

April 12, 2018

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF GEORGIA  
3 ATLANTA DIVISION  
4

5 JOHN RUCH,  
6 Plaintiff,

7 vs. CIVIL ACTION FILE NO.  
1:15-CV-03296-MHC

8 CITY OF ATLANTA SERGEANT  
9 MICHELLE MCKENZIE SERGEANT  
10 ALAN GRUEN OFFICER BROWN,  
11 and DEPUTY CHIEF RODNEY  
12 BRYANT DEPUTY CHIEF JOSEPH  
13 SPILLANE, and MAJOR JAMES  
14 WHITMIRE, each  
15 individually,  
16 Defendants.  
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16 DEPOSITION OF  
17 JOHN RUCH

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8:30 a.m.  
Thursday, April 12, 2018  
Stuckey & Manheimer, Inc.  
150 E. Ponce de Leon Avenue  
Decatur, Georgia

Anthony D. Lorenz, Certified Court Reporter  
RDR, CRR; CCR-B-2022

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I N D E X

WITNESS: JOHN RUCH

EXAMINATION: PAGE

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(Original exhibits attached to  
original deposition.)

1 Deposition of JOHN RUCH

2 Thursday, April 12, 2018

3 (Reporter disclosure made pursuant to  
4 Article 10.B of the Rules and Regulations of  
5 the Board of Court Reporting of the Judicial  
6 Council of Georgia.)

7 THEREUPON --

8 JOHN RUCH, having been first duly sworn, was examined  
9 and testified as follows:

10 MS. WYATT-BULLMAN: This is the  
11 deposition of John Ruch, taken pursuant to  
12 notice and agreement of counsel. The  
13 deposition is being taken for purposes of  
14 discovery and cross-examination and for all  
15 other lawful purposes.

16 All objections as to notice, filing and  
17 qualifications of the court reporter will be  
18 waived, if that's acceptable?

19 MR. WEBER: Acceptable.

20 MS. WYATT-BULLMAN: All objections are  
21 reserved until such time as the deposition is  
22 used at trial, except as to the form of the  
23 question or responsiveness of the answer, if  
24 that's acceptable?

25 MR. WEBER: Acceptable.

1 MS. WYATT-BULLMAN: Perfect.

2 MR. WEBER: And he'll read and sign the  
3 deposition.

4 MS. WYATT-BULLMAN: Okay.

5

6 EXAMINATION

7 BY MS. WYATT-BULLMAN:

8 Q. Good morning, Mr. Ruch. My name is  
9 Alisha Wyatt-Bullman. We met a moment ago. I'm a  
10 Senior Assistant City Attorney for the City of  
11 Atlanta. And I'm going to ask you some questions  
12 today regarding the facts surrounding the complaint  
13 you filed against the City of Atlanta and various  
14 officers with the Atlanta Police Department.

15 Have you ever had your deposition taken  
16 before?

17 A. No.

18 Q. Okay. I'm going to go over a couple of  
19 ground rules just to make sure that we get a clean  
20 record. The purpose of today is so that we get a  
21 good clean record. And everything that we say here  
22 today is going to be taken down by the court  
23 reporter, so it's very important that we speak up,  
24 speak clearly. It's also very important that we  
25 provide verbal answers, so no "uh-huhs," "uh-uhs,"

1 shoulder shrugs or head nods. They don't really come  
2 out very well on the record. If you answer a  
3 question and I ask you for a verbal response, that's  
4 what I'm referring to.

5 We also need to work very hard not to  
6 talk over each other. And I'm the world's worst at  
7 this, so if at any point, I interrupt your answer,  
8 please let me know and I will let you finish  
9 answering.

10 By the same token, if you could allow  
11 me to finish asking my question fully before you  
12 begin to answer, that will help ensure that you  
13 answer what I'm wanting you to answer, and also that  
14 the record is clear.

15 If you do not hear my question, or you  
16 do not understand my question for any reason, please  
17 let me know and I will rephrase it or repeat it so  
18 that you do hear and/or understand it. If you answer  
19 my question, I'm going to assume that you both heard  
20 my question and that you understood my question. Is  
21 that fair?

22 A. Yes.

23 Q. If you need a break for any reason,  
24 please let me know. I'm more than happy to provide  
25 as many breaks as are needed. I would ask that if

1 there's a question pending that you answer that  
2 question before the break is taken. Is that fair?

3 A. Yes.

4 Q. Have you understood everything we have  
5 discussed so far?

6 A. Yes.

7 Q. Can you please state your full name for  
8 the record.

9 A. John Bartlett Ruch.

10 Q. And what's your date of birth?

11 A. 8/9/1971.

12 Q. Are you currently taking any  
13 medication?

14 A. No.

15 Q. Did you forego taking any medication in  
16 anticipation of today's deposition?

17 A. No.

18 Q. Are you currently under a doctor's care  
19 for any reason?

20 A. No.

21 Q. Have you consumed alcoholic beverages  
22 or illegal drugs in the last 24 hours?

23 A. No.

24 Q. Is there any reason why you would not  
25 be able to provide honest and accurate testimony here

1 today?

2 A. No.

3 Q. Are there any problems with your  
4 hearing?

5 A. No.

6 Q. Perfect. And you have your glasses on  
7 today, so I'm assuming that you need your glasses for  
8 vision; is that correct?

9 A. Yes.

10 Q. But other than the use of your glasses,  
11 you have no issues with your vision?

12 A. No.

13 Q. Have you kept a diary or a journal in  
14 the last 10 years?

15 A. No.

16 Q. Are you married?

17 A. No.

18 Q. Were you married at the time of your  
19 arrest on November 25th, 2014?

20 A. No.

21 Q. What is your current address?

22 A. 6050 Roswell Road, Apartment 512, Sandy  
23 Springs, Georgia 30328.

24 Q. And how long have you lived at this  
25 address?



1 A. Since October of this -- of last year.

2 Q. Since October of 2017?

3 A. Yes.

4 Q. And prior to living at the Roswell Road  
5 address, where did you live?

6 A. In Dunwoody, Georgia.

7 Q. And how long were you at the Dunwoody  
8 address?

9 A. Starting in 2013.

10 Q. And do you recall that address?

11 A. 2295, Apartment -- Dunwoody Crossing,  
12 Apartment G, Dunwoody, Georgia 30338.

13 Q. And you lived at the Dunwoody Crossing  
14 apartment from 2013 to 2017; is that correct?

15 A. Correct.

16 Q. And you were arrested by the Atlanta  
17 Police Department on November 25th of 2014; is that  
18 correct?

19 A. Yes.

20 Q. And at the time of your arrest, was  
21 your home address the Dunwoody Crossing apartment?

22 A. Yes.

23 Q. And did anyone live with you at that  
24 address?

25 A. No.

1 Q. Do you have a cell phone?

2 A. Yes.

3 Q. What is your cell phone number?

4 A. (617)817-3486.

5 Q. Was this the cell phone number that you  
6 had on the date of your November 25th, 2014 arrest?

7 A. Yes.

8 Q. Who is your service provider? Your  
9 cell phone service provider?

10 A. Verizon Wireless.

11 Q. And was Verizon Wireless your cell  
12 phone service provider on the date of your arrest?

13 A. I don't recall.

14 Q. If it wasn't Verizon, who would it have  
15 been?

16 A. I don't recall.

17 Q. But you had the same number?

18 A. Yes.

19 Q. Do you recall changing cell phone  
20 service providers since 2014?

21 A. I do not recall.

22 Q. Do you have any children?

23 A. No.

24 Q. Do you have any family members that  
25 live in Fulton County?

1 A. No.

2 Q. Do you have any family members that  
3 live in the northern part of Georgia?

4 A. No.

5 Q. Are you related to anyone who works for  
6 the City of Atlanta?

7 A. Not to my knowledge, no.

8 Q. Are you known by any other names?

9 A. No.

10 Q. Do you have any social media accounts?

11 A. Yes.

12 Q. Can you provide the list of social  
13 media accounts that you have?

14 A. Yes.

15 Q. What are they?

16 A. And I believe I have provided that in  
17 discovery.

18 Q. And what are those social media  
19 accounts?

20 A. One is a Facebook account. I do not  
21 recall the precise URL or identification of that  
22 account. That would have been provided in discovery.

23 I have a Twitter account, which is John  
24 Ruch Atlanta.

25 Q. Anything other than Facebook and

1 Twitter?

2 A. No.

3 Q. Have you ever been convicted of a  
4 crime?

5 A. Yes.

6 Q. And what crime were you convicted of?

7 A. Trespass.

8 Q. And do you know when you were convicted  
9 of trespass?

10 A. I do not recall the exact date.

11 Q. Do you know where you were convicted of  
12 trespass?

13 A. It was Delaware, Ohio.

14 Q. I'm going to pass you a document that  
15 we're going to mark as Exhibit 1.

16 (Exhibit 1 was marked for  
17 identification.)

18 Q. (By Ms. Wyatt-Bullman) Are you familiar  
19 with the document that has been marked as Defendant's  
20 Exhibit 1?

21 A. Yes.

22 Q. And what is Defendant's Exhibit 1?

23 A. I'm sorry -- can you repeat the  
24 question?

25 Q. What is Defendant's Exhibit 1?

1           A.           It is a Delaware Municipal Court  
2 document.

3           Q.           Is this the judgment for your trespass  
4 conviction?

5                       MR. WEBER: Object as to form. Sorry.  
6 Go ahead.

7                       THE WITNESS: I do not know literally  
8 what type of formal record this is. But it  
9 describes and gives information about the  
10 judgment in my trespass case.

11          Q.          (By Ms. Wyatt-Bullman) Okay. And were  
12 you an adult when this trespass conviction was made?

13          A.          Yes.

14          Q.          All right. And have you satisfied all  
15 the conditions of any punishment you may have  
16 received for this trespass conviction?

17          A.          Yes.

18          Q.          Other than the trespass conviction,  
19 have you been convicted of any other crimes?

20          A.          No.

21          Q.          Have you ever been a party to a  
22 lawsuit, other than the lawsuit we are here to  
23 discuss?

24          A.          Yes.

25          Q.          And which other lawsuits have you been

1 a party to?

2 A. I was involved in a personal-injury  
3 lawsuit.

4 Q. And when was that?

5 A. I don't recall the exact date of that  
6 lawsuit.

7 Q. What jurisdiction was it brought in?

8 A. I also do not recall the specific  
9 jurisdiction, whether that was city or county court.

10 Q. Okay. What state was it brought in?

11 A. Massachusetts.

12 Q. And do you recall the year?

13 A. I do not recall the specific year.

14 Q. Would it have been more than 10 years  
15 ago?

16 A. Yes.

17 Q. And were you the plaintiff or the  
18 defendant in the lawsuit?

19 A. Plaintiff.

20 Q. And do you remember the circumstances  
21 of the lawsuit?

22 A. Can you clarify --

23 Q. Sure.

24 A. -- the question?

25 Q. Why did you bring the lawsuit?

1           A.       I was injured by a driver who struck me  
2 while I was a pedestrian in a crosswalk. I brought  
3 the suit to recover damages and medical costs.

4           Q.       What injuries did you receive as a  
5 result of that accident?

6           A.       It was injuries to my shoulder, various  
7 abrasions and bruises.

8           Q.       And can you describe the injury to your  
9 shoulder in a little bit more detail?

10          A.       I do not recall a specific diagnosis.

11          Q.       Did you seek medical treatment for that  
12 injury?

13          A.       Yes.

14          Q.       And which shoulder was it?

15          A.       My left shoulder.

16          Q.       And where did you seek medical  
17 treatment for your left-shoulder injury?

18          A.       Can you clarify the question?

19          Q.       You said you sought medical treatment  
20 for your left-shoulder injury that arose out of this  
21 accident in which you were a pedestrian in a  
22 crosswalk. Where did you seek that treatment from?

23          A.       I was treated at a hospital emergency  
24 room. And by a physician, I do not recall a specific  
25 name, address, or location.

1 I also received physical therapy  
2 treatment.

3 Q. Do you recall what city you were in  
4 when this accident occurred?

5 A. Boston, Massachusetts.

6 Q. And you don't recall any specific  
7 diagnosis for your left-shoulder injury?

8 A. No.

9 Q. Did you have to undergo surgery for  
10 your injury?

11 A. No.

12 Q. And did you receive a judgment -- let  
13 me ask a better question.

14 Did you receive any monetary  
15 compensation as a result of the lawsuit you brought  
16 for the injury we're speaking of that occurred in  
17 Boston, Massachusetts?

18 A. Yes.

19 Q. Did you speak to anyone in preparation  
20 for today's deposition?

21 A. Yes.

22 Q. Who did you speak with?

23 A. My attorneys.

24 Q. And about how long did you meet with  
25 them?



1 A. I don't recall.

2 Q. Was it more than an hour?

3 A. I don't recall.

4 Q. And when did you speak with them?

5 A. Last week.

6 Q. Did you just meet with them one time to  
7 prepare for today?

8 A. Yes.

9 Q. And that was a face-to-face meeting?

10 A. Yes.

11 Q. Other than speaking with your attorneys  
12 in preparation for today, did you speak to anyone  
13 else about today's deposition?

14 A. Can you clarify what you mean by that?

15 Q. Sure. So we know that you spoke to  
16 your attorneys in preparation for today. Other than  
17 speaking with your attorneys, did you speak to any  
18 other person about today's deposition?

19 A. Yes, in terms of my notifying people of  
20 my schedule; not in terms of preparing in a legal  
21 manner for the deposition.

22 Q. And who did you notify?

23 A. My employer and my coworkers.

24 Q. All right. Other than talking to your  
25 attorneys about this case, have you spoken to any

1 other person about any of the facts of this case?

2 A. Yes. I have spoken to reporters.

3 Q. And which reporters are those?

4 A. I cannot recall all of them. There  
5 have been a number of them. One was Doug Richards of  
6 Channel 11 News.

7 Q. And when did you speak with  
8 Mr. Richards?

9 A. I don't recall specifically.

10 Q. Would it have been --

11 A. It was for a broadcast interview.

12 Q. Would it have been within the last  
13 year?

14 A. No.

15 Q. Would it have been within the last two  
16 years?

17 A. I don't recall with precision.

18 Q. Would it have been within a year of  
19 your arrest?

20 A. I also do not recall with precision.

21 Q. And do you know what the subject matter  
22 of the story that Mr. Richards was doing?

23 MR. WEBER: Object as to form.

24 THE WITNESS: Does that mean I answer  
25 it?

1 MR. WEBER: Yes. I'm sorry. When I  
2 say "object as to form," you just let me say  
3 my few words and then you answer.

4 THE WITNESS: All right.

5 Q. (By Ms. Wyatt-Bullman) He'll tell you  
6 very clearly if he doesn't want you to answer.

7 MR. WEBER: Yes.

8 THE WITNESS: Could you repeat the  
9 question?

10 Q. (By Ms. Wyatt-Bullman) Sure. Do you  
11 know -- you indicated that you gave an interview for  
12 Mr. Richards. Do you know what the subject matter of  
13 Mr. Richards' story that he was using your interview  
14 in, entailed?

15 MR. WEBER: Object as to form.  
16 Go ahead.

17 THE WITNESS: I do not know. I did not  
18 view his report.

19 Q. (By Ms. Wyatt-Bullman) Okay. Other  
20 than Mr. Richards, do you recall any other reporters  
21 that you spoke to?

22 A. I spoke to a reporter for the Fulton  
23 County Report -- "Daily Report," I believe it is  
24 called. I do not recall the specific reporter.

25 Q. Okay. Anyone else?

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Page 20

1 A. Not that I specifically recall.

2 Q. Other than speaking to reporters, did  
3 you speak to anyone else regarding the facts of this  
4 case?

5 A. No.

6 MR. WEBER: And just for completeness,  
7 you mean other than the OPS and citizen review  
8 board folks.

9 Q. (By Ms. Wyatt-Bullman) Did you speak to  
10 Atlanta's Office of Professional Standards regarding  
11 the facts of this matter?

12 A. Yes. And an Atlanta -- the -- the  
13 Civilian Review Board had an investigator who I spoke  
14 to about the facts of the case as well.

15 Q. You haven't shared any of the facts of  
16 the case with any of your friends or family members?

17 A. No.

18 Q. All right. In preparation for today's  
19 deposition, did you review any documents?

20 A. Yes.

21 Q. What documents did you review?

22 A. My statement that I submitted as part  
23 of the complaint to police, as part of the lawsuit  
24 itself: the narrative.

25 Q. I'm going to hand you a document that

1 we're going to mark as Exhibit 2.

2 (Exhibit 2 was marked for  
3 identification.)

4 Q. (By Ms. Wyatt-Bullman) Take a moment to  
5 look at that and tell me when you're ready.

6 A. I'm ready.

7 Q. Okay. Do you recognize the document  
8 that has been marked as Defendant's Exhibit 2?

9 A. Yes.

10 Q. And what is Defendant's Exhibit 2?

11 A. It is a copy of the statement that I  
12 submitted as part of my complaint.

13 Q. And is that the document that you  
14 reviewed in preparation for today?

15 A. Yes.

16 Q. Is that the only document you reviewed  
17 in preparation for today?

18 A. No.

19 Q. What other documents did you review in  
20 preparation for today?

21 A. The one other document was the actual  
22 copy of my -- the citation that I was given by  
23 officers following my November 25th, 2014 arrest.

24 Q. I'm going to pass you a document we're  
25 going to mark as Defendant's Exhibit 3.

1 (Exhibit 3 was marked for  
2 identification.)

3 Q. (By Ms. Wyatt-Bullman) Do you recognize  
4 the document that's been marked as Defendant's  
5 Exhibit 3?

6 A. Yes.

7 Q. And what is Defendant's Exhibit 3?

8 A. It is a photocopy of my arrest citation  
9 from the November 25th incident. 2014 incident.

10 Q. Is this the other document that you  
11 reviewed in preparation for today?

12 A. Yes.

13 Q. And other than Defendant's Exhibit 2  
14 and Defendant's Exhibit 3, did you review any other  
15 documents in preparation for today?

16 A. No.

17 Q. Going back to Defendant's Exhibit 2, if  
18 you could turn to the last page. And there is a  
19 signature line and a signature on that page. Is that  
20 your signature?

21 A. Yes.

22 Q. Based on your review of your statement  
23 in preparation for today, do you believe that your  
24 statement is true and accurate?

25 A. Yes.

1 Q. And are there any facts that you  
2 believe should be corrected within your statement?

3 A. No.

4 Q. I want to go through your educational  
5 background. Where did you attend high school?

6 A. Seneca Valley High School.

7 Q. Where is Seneca Valley High School  
8 located?

9 A. Pennsylvania.

10 Q. What part of Pennsylvania?

11 A. I don't recall the -- I don't recall  
12 the exact city or township.

13 Q. How long did you -- let me ask a better  
14 question. Was the name of the school, Seneca Valley  
15 High School?

16 A. Yes.

17 Q. And did you attend Seneca Valley High  
18 School for all four years?

19 A. Yes.

20 Q. And when did you graduate, or did you  
21 graduate?

22 A. I did graduate.

23 Q. Do you know when?

24 A. I should recall. I do not recall the  
25 specific year. I would have to do math on that.

1 Q. Okay.

2 A. At an appropriate age.

3 Q. Okay. After completing high school,  
4 did you attend college?

5 A. Yes.

6 Q. Where did you attend college?

7 A. Ohio Wesleyan University.

8 Q. How many years did you attend Ohio  
9 Wesleyan?

10 A. Four years.

11 Q. Did you receive a degree?

12 A. To finish my answer --

13 Q. Yes, sorry.

14 A. -- I attended for four years. I later  
15 completed the degree with outside courses, without  
16 physically attending the university, including  
17 classwork in attendance at Harvard University.

18 Q. Okay. And you ultimately received a  
19 degree, correct?

20 A. Yes.

21 Q. And what was that degree in?

22 A. It, as I recall, is a Bachelor of Arts  
23 degree, without a specific subject focus.

24 Q. So a general B.A.?

25 A. Yes.



1 Q. And the degree was ultimately from Ohio  
2 Wesleyan?

3 A. Yes.

4 Q. Have you attended any courses since you  
5 completed your degree with Ohio Wesleyan?

6 A. Yes.

7 Q. What courses would those have been?

8 A. I attended Suffolk University Law  
9 School and Capella University, an online university.

10 Q. Did you receive a degree from Suffolk?

11 A. No.

12 Q. How long did you participate in the law  
13 school program at Suffolk?

14 A. I don't recall specifically.

15 Q. Did you complete your first year?

16 A. No.

17 Q. Did you complete the first semester?

18 A. No.

19 Q. So you were enrolled in Suffolk,  
20 correct?

21 A. Suffolk University Law School, correct.

22 Q. Yes. And you attended classes at  
23 Suffolk University Law School, correct?

24 A. Yes.

25 Q. But you did not complete the first

1 semester at Suffolk University?

2 A. Yes.

3 Q. Did you receive any degree from Suffolk  
4 University Law School?

5 A. No.

6 Q. Do you recall the timeframe that you  
7 were at Suffolk University?

8 A. I don't recall.

9 Q. Do you know what year?

10 A. I don't recall specifically.

11 Q. Would it have been within the last 10  
12 years?

13 A. I don't recall specifically.

14 Q. Let's do it this way: After you  
15 completed high school, did you go directly into  
16 college?

17 A. Yes.

18 Q. And you then completed four consecutive  
19 years of college; is that correct?

20 A. Yes.

21 Q. After those four years, what did you do  
22 next?

23 A. Could you clarify the question?

24 Q. Sure. After you completed the four  
25 consecutive years at Ohio Wesleyan, what did you do

1 next?

2 MR. WEBER: Object as to form.

3 THE WITNESS: Do you mean for

4 education?

5 Q. (By Ms. Wyatt-Bullman) Well, did you go  
6 into the workforce, or did you continue education?

7 A. Yes. I went into the workforce.

8 Q. Okay. And where did you work?

9 A. CM Media in Columbus, Ohio.

10 Q. And while you were working for CM Media  
11 at Columbus, Ohio, did you attend any college  
12 courses?

13 A. No.

14 Q. Did you participate in any college  
15 courses, even in an online basis?

16 A. As a student, no.

17 Q. Okay. And how long were you at CM  
18 Media?

19 A. 1993 to the year 2000.

20 Q. Okay. When did you begin taking  
21 courses at Harvard?

22 A. I do not recall the specific year.

23 Q. You testified earlier that you did not  
24 participate in any college courses as a student while  
25 you were at CM Media. So would it be a correct

1 statement to say that you did not take any courses  
2 with Harvard prior to 2000?

3 A. Yes.

4 Q. Okay. So then it would also be a  
5 correct statement to say that you did not receive  
6 your bachelor's degree until after 2000?

7 A. Correct. Yes.

8 Q. After you received your bachelor's  
9 degree, did you immediately begin law school?

10 A. No.

11 Q. Okay. So you left CM Media in  
12 Columbus, Ohio in 2000. Where did you go after that?

13 A. Do you mean -- can you clarify? As a  
14 job?

15 Q. Sure.

16 A. Do you mean --

17 Q. When you left CM Media in Columbus,  
18 Ohio in 2000, did you leave to go to another job?

19 A. No.

20 Q. Did you leave to continue your  
21 education?

22 A. No.

23 Q. Why did you leave CM Media?

24 A. To move, with my fiancée.

25 Q. And where did you move to?

1 A. Boston, Massachusetts.

2 Q. Did you have any -- did you have a job  
3 lined up when you moved to Boston?

4 A. No.

5 Q. How long were you unemployed?

6 A. I continued to have part-time work.

7 Q. And what was that part-time work doing?

8 A. Freelance journalism.

9 Q. How long were you employed as a  
10 freelance journalist after you moved to Boston?

11 A. I don't recall a specific end date for  
12 freelance work.

13 Q. While you were in Boston, at any point,  
14 did you -- were you employed full-time?

15 A. Yes.

16 Q. And who employed you full-time?

17 A. The Museum of Fine Arts, Boston; and  
18 Gazette Publications; and another employer whose  
19 formal name I do not recall at the moment.

20 Q. Okay. I think I'm going to help you  
21 out here. I'm going to pass you what's been marked  
22 as Defendant's Exhibit 4.

23 (Exhibit 4 was marked for  
24 identification.)

25 Q. (By Ms. Wyatt-Bullman) Are you familiar

1 with Defendant's Exhibit 4?

2 A. Yes.

3 Q. Did you create Defendant's Exhibit 4?

4 A. Yes.

5 Q. Okay. And what is Defendant's  
6 Exhibit 4?

7 A. It is a résumé of my employment.

8 Q. Perfect. Would this document, which I  
9 am hoping will assist you in remembering years -- do  
10 you know at what point you became enrolled in Suffolk  
11 Law School?

12 A. Yes.

13 Q. When?

14 A. Between my employment at Gazette  
15 Publications Inc. and Independent Newspaper Group.

16 Q. Okay. So while you were enrolled in  
17 law school, were you also employed?

18 A. No.

19 Q. And when did you begin taking classes  
20 at Capella University?

21 A. I do not recall specifically.

22 Q. Did you receive a degree from Capella  
23 University?

24 A. No.

25 Q. And what were you studying at Capella?

1 A. Psychology.

2 Q. And how many semesters did you complete  
3 with Capella University?

4 A. I don't recall. I don't recall if it  
5 even has a semester system.

6 Q. Okay. Did you complete any courses  
7 with Capella University?

8 A. I don't recall.

9 Q. Did you attend courses with Capella  
10 University prior to enrolling in law school?

11 A. No.

12 Q. So it would have been after 2010 that  
13 you attended Capella University?

14 A. I just don't recall.

15 Q. Okay. But we know you attended -- you  
16 enrolled in law school in 2010, correct?

17 A. I believe that is correct.

18 Q. And you did not attend University of  
19 Capella prior to law school; is that correct?

20 A. Correct.

21 Q. So any courses that you may have taken  
22 at Capella University would have been after 2010?

23 A. I don't recall.

24 Q. Okay. Have you had any training as a  
25 medical professional?

1 A. No.

2 Q. And have you had any training as a  
3 legal professional?

4 A. I attended Suffolk University Law  
5 School.

6 Q. For a portion of a semester, correct?

7 A. Yes.

8 Q. Do you remember what courses you took  
9 during that partial semester?

10 A. I do not recall specific names of  
11 courses.

12 Q. And is that partial semester of law  
13 school, the only legal training you believe you've  
14 had?

15 A. Can you define "legal training"?

16 Q. Sure. Did you have any training as an  
17 individual who practices law?

18 A. No.

19 Q. Did you have any training as a  
20 paralegal?

21 A. No.

22 Q. And I assume you don't have any  
23 training as a judge?

24 A. No.

25 Q. Are you currently employed?



1 A. Yes.

2 Q. Who are you employed by?

3 A. Springs Publishing.

4 Q. Who is Springs Publishing?

5 A. Can you clarify the question?

6 Q. Yes. What does Springs Publishing do?

7 A. It is a publisher.

8 Q. And what do they publish?

9 A. Newspapers.

10 Q. Do you know which newspapers they  
11 publish?

12 A. The "Reporter" newspapers: "Atlanta  
13 Intown" and "Atlanta Senior Life."

14 Q. In what capacity do you serve Springs  
15 Publishing?

16 A. As managing editor of the "Reporter"  
17 newspapers.

18 Q. And what are the "Reporter" newspapers?

19 A. They are community newspapers serving  
20 the Buckhead neighborhood of Atlanta and the cities  
21 of Brookhaven, Dunwoody and Sandy Springs.

22 Q. And as managing editor, do you provide  
23 content for the paper?

24 A. Yes.

25 Q. And in what capacity do you provide

1 content?

2 A. I report and write stories, and  
3 photographs. I manage a staff of reporters who  
4 provide content. And I manage freelancers who  
5 provide content.

6 Q. At the time of your November 25th, 2014  
7 arrest, were you employed?

8 A. Yes.

9 Q. And who employed you?

10 A. Independent Newspaper Group.

11 Q. Okay. And where were they based out  
12 of?

13 A. Massachusetts.

14 Q. So at the time of your November 25th,  
15 2014 arrest, you worked for a Massachusetts company?

16 A. That was part-time employment, yes.  
17 I also was employed on a freelance  
18 basis by other publications.

19 Q. And do you recall which publications  
20 you were employed by on November 25th, 2014, on a  
21 freelance basis?

22 A. I was employed by "Creative Loafing,"  
23 Atlanta.

24 Q. And was that the only publication that  
25 you provided freelance content to?

1 MR. WEBER: Object as to form.

2 THE WITNESS: On that specific date, I  
3 do not recall.

4 Q. (By Ms. Wyatt-Bullman) When did you  
5 move from Massachusetts to Georgia?

6 A. 2013.

7 Q. Why did you move to Georgia?

8 A. For better job opportunities.

9 Q. The mayor will be very happy to hear  
10 that there are better job opportunities in Atlanta  
11 than there were in Boston.

12 A. Also to elaborate on a prior answer, I  
13 was also, at that time, employed on a part-time basis  
14 by the "Rockdale News" in Conyers, Georgia; though  
15 the actual work was -- had more of a freelance  
16 character. But that was technically part-time  
17 employment.

18 Q. So on November 25th, 2014, you worked  
19 part-time for Independent Newspaper Group out of  
20 Boston; and also worked --

21 A. Out of -- I'm sorry, out of  
22 Massachusetts.

23 Q. Out of Massachusetts-- I apologize.  
24 And also worked part-time for "Rockdale News" in  
25 Conyers, Georgia; is that correct?

1 A. Correct.

2 Q. And you also provided freelance work?

3 A. Yes.

4 Q. And you recall that you provided  
5 freelance -- or that you worked on a freelance basis  
6 for "Creative Loafing." Any other publications that  
7 you can think of at that time?

8 A. On that specific date, no.

9 Q. Well, let's say just in 2014, do you  
10 recall which publications you provided freelance work  
11 to in 2014?

12 A. I don't recall specifically for that  
13 year.

14 Q. Okay. Did you ever provide freelance  
15 articles to the "Atlanta Journal-Constitution"?

16 A. No.

17 Q. Okay. What type of work did you  
18 provide for the Independent Newspaper Group?

19 A. I served as editor of the "Mission Hill  
20 Gazette" and the "Jamaica Plain Gazette."

21 Q. And what were your duties with the  
22 "Rockdale News" in Conyers?

23 A. As a staff reporter.

24 Q. How long were you -- let me ask a  
25 better question. When did you start working for

1 "Rockdale News"?

2 A. 2013.

3 Q. That would have been through the  
4 Covington Newspaper Company, correct?

5 A. Yes.

6 Q. Okay. Prior to November 25th, 2014,  
7 did you participate in any protests?

8 MR. WEBER: I'll object as to form on  
9 this.

10 THE WITNESS: Yes.

11 Q. (By Ms. Wyatt-Bullman) Do you recall  
12 which protests you participated in?

13 MR. WEBER: And I'll just object as to  
14 form. And just as an explanation, I'm trying  
15 to figure out, because I think differentiating  
16 reporter from participant -- that's why I'm  
17 objecting. I'm just a little confused.

18 MS. WYATT-BULLMAN: I'm going to ask  
19 about reporting, too.

20 MR. WEBER: Okay. Cool.

21 THE WITNESS: I'm sorry -- can you  
22 repeat the question?

23 Q. (By Ms. Wyatt-Bullman) Sure. You  
24 testified that prior to November 25th of 2014 that  
25 you had participated in a protest, and I'm asking

1 which protest, or protests, have you participated in.

2 A. I was a child at the time. It was one  
3 protest. It related -- it was in Pittsburgh,  
4 Pennsylvania, and related to abortion and was  
5 organized by my church. I have no other specific  
6 memory as to its content, purpose, or what I was  
7 doing there.

8 Q. Okay. Other than the protest when you  
9 were a child, have you been -- have you been a  
10 participant --

11 (Telephonic interruption.)

12 MR. WEBER: I apologize.

13 Q. (By Ms. Wyatt-Bullman) Prior to  
14 November 25th of 2014, other than this protest in  
15 which you were a child, did you participate in any  
16 other protests?

17 A. No.

18 Q. Prior to November 25th of 2014, did you  
19 cover any protests as a reporter?

20 A. Yes.

21 Q. And which protests did you cover as a  
22 reporter?

23 A. I covered a march -- a protest march by  
24 a group affiliated with the Occupy movement.

25 Q. In what city did you cover that Occupy

1 group?

2 A. In Boston, Massachusetts.

3 Q. Do you recall the year?

4 A. I do not recall specifically. I  
5 believe it was 2011 or 2012.

6 Q. Okay. Other than the Occupy movement,  
7 as a reporter, prior to November 25th, 2014, have you  
8 covered any other protests?

9 A. Can you clarify what you mean by  
10 "protest," in terms of a march? I have been to many,  
11 many -- innumerable events where people, in a  
12 meeting, held signs and so forth, is what I'm trying  
13 to clarify.

14 Q. Sure. So let's define it as -- let's  
15 say prior to November 25th, 2014, other than the  
16 Occupy movement that you discussed, have you covered,  
17 as a reporter, an event in which a large group of  
18 individuals marched or stood in an outdoor place to  
19 advocate a position?

20 A. Yes.

21 Q. Okay. And which ones?

22 A. I also attended the Occupy Boston --  
23 "camp," I believe is the proper term, which I believe  
24 was in 2011, as a journalist.

25 Q. Okay. Anything else?

1           A.       Yes. It's hard to characterize this  
2 one: an Occupy-type display, or demonstration, also  
3 in Boston, Massachusetts, in the similar timeframe.

4           Q.       Anything else?

5           A.       Not that I immediately recall.

6           Q.       Would it be a correct statement to say  
7 that the November 25th, 2014 protest in Atlanta,  
8 Georgia, was the first protest that you covered as a  
9 reporter in Georgia?

10          A.       I believe it was the first I covered in  
11 person.

12          Q.       What do you mean by "in person"?

13          A.       I may have written about other protests  
14 that I did not directly attend --

15          Q.       Did you --

16          A.       -- but that happened in other places.  
17 I don't recall.

18          Q.       Okay. Did you attend any of the  
19 protests surrounding the Occupy movement in Boston?

20          A.       Yes, as described just moments ago.

21          Q.       Well, I'm asking for clarification,  
22 because you indicated that you have covered protests  
23 that you have not attended. So you were physically  
24 present at the Occupy movement in Boston,  
25 Massachusetts?



1 A. At the ones I just described, yes.

2 Q. Okay. And it's your testimony that the  
3 November 25th, 2014 protest, was the first in-person  
4 protest that you reported on, in Georgia; is that  
5 correct?

6 A. To the best of my recollection, yes.

7 MS. WYATT-BULLMAN: I keep checking my  
8 watch because I'm on a meter.

9 MR. WEBER: When you reach -- if you're  
10 at the end of a section, maybe we can take a  
11 couple-of-minute break.

12 MS. WYATT-BULLMAN: That's fine. I can  
13 move my car now, if you want to. Do you want  
14 to go off the record? We've been going for  
15 about an hour and 25 minutes.

16 MR. WEBER: Yes. That's fine.

17 (A short recess was taken, after which  
18 the following proceedings were had:)

19 MS. WYATT-BULLMAN: Back on the record.

20 Q. (By Ms. Wyatt-Bullman) Mr. Ruch, when  
21 we -- right before we took our break, we were  
22 discussing that the November 25th, 2014 protest was  
23 the first in-person protest that you attended in  
24 Georgia; is that correct?

25 A. To the best of my recollection, yes.

1 Q. Okay. And how did you come to be in  
2 attendance of the March 25th, 2014 protest?

3 A. I was attempting to find breaking news  
4 in Atlanta about spontaneous protests that were  
5 happening nationwide, relating to the Ferguson,  
6 Missouri police controversy. And in doing so, I  
7 happened to encounter the News Editor of "Creative  
8 Loafing," who was my boss for freelance assignments.  
9 We realized the protest was continuing, not over, as  
10 I had thought, and he then employed me to cover it.

11 Q. Would it be a correct statement to say  
12 that your presence at the November 25th, 2014 protest  
13 in Atlanta, Georgia, was solely driven by your  
14 interest as a reporter?

15 A. Yes.

16 Q. Okay. You said that you started out in  
17 an attempt to find breaking news. Did anyone charge  
18 you with the task of finding breaking news?

19 A. No.

20 Q. That was something that you took upon  
21 yourself; is that correct?

22 A. Yes.

23 Q. Okay. And what time did you arrive at  
24 the protest in downtown Atlanta on November 25th,  
25 2014?

1 A. I don't recall.

2 Q. Was it daylight outside?

3 A. No.

4 Q. Do you think it was before 7 o'clock?  
5 7 p.m.?

6 A. It was after 7 p.m.

7 Q. Do you believe it was before 9 p.m.?

8 A. I don't recall.

9 Q. Was it before 11 p.m.?

10 A. I don't recall.

11 Q. But you do know you arrived at the  
12 protest after 7 p.m.?

13 A. Yes.

14 Q. And what location did you meet up with  
15 the protest?

16 A. To be distinct, I saw some protesters  
17 in the area of Woodruff Park, but the main protest  
18 turned out to be some distance away. And I do not  
19 recall where Thomas and I encountered them.

20 Q. Who is Thomas?

21 A. Thomas Wheatley, the news editor of  
22 "Creative Loafing" Atlanta at that time.

23 Q. Did you have plans to meet Thomas at  
24 the November 25th, 2014 protest?

25 A. No.

1 Q. So it was just happenstance that you  
2 saw him there?

3 A. Yes.

4 Q. When you sought out -- well, let me ask  
5 this question: How did you learn that there was a  
6 protest occurring in Atlanta on November 25th, 2014?

7 A. From local and national media reports.

8 Q. And when you began your journey to meet  
9 up with the protest, where did you park your car?

10 A. I did not begin my journey with the  
11 intent of meeting this protest.

12 Q. Okay. You were watching the news and  
13 learned that there was a protest occurring in  
14 Atlanta; is that correct?

15 A. Yes.

16 Q. And that information prompted you to  
17 take action; is that correct?

18 A. Yes.

19 Q. What action did you take?

20 A. I drove to the Vine City area of  
21 Atlanta to see if other protests might be forming. I  
22 then drove into downtown Atlanta, again, to see if  
23 other protests might be forming.

24 Q. Okay. And when you drove into downtown  
25 Atlanta, what did you discover?

1 A. Could you be more specific?

2 Q. Sure. You said you drove into downtown  
3 Atlanta to see if other protests were forming. What  
4 did that inquiry show you?

5 A. I saw a number of police officers with  
6 vehicles, both parked and moving, in apparent  
7 preparation to deal with protesters. Eventually, I  
8 saw a group of police officers standing on a street  
9 and, investigating that observation further, led me  
10 to covering the main protest.

11 Q. Okay. When you saw a number of APD  
12 vehicles parked on the street, were you in your  
13 vehicle at that time?

14 A. Yes. And to clarify, they may have  
15 been from other police agencies as well.

16 Q. And do you recall the street that they  
17 were on?

18 A. I do not recall.

19 Q. Okay. And then you also testified that  
20 you saw a group of police officers standing in the  
21 street. Did you make that observation from your  
22 vehicle as well?

23 A. Yes.

24 Q. At what point -- let me ask a better  
25 question. Did you, at some point, exit your vehicle

1 in downtown Atlanta to cover the protest?

2 A. Yes.

3 Q. Where did you park your car?

4 A. I do not recall.

5 Q. Do you recall the street?

6 A. No.

7 Q. Any landmarks?

8 A. I may not have even known the streets  
9 at the time. I do not recall specific landmarks.

10 Q. Okay. So after you saw the group of  
11 police officers standing in the street, you were  
12 still in your vehicle, correct?

13 A. Yes.

14 Q. When did you exit your vehicle?

15 A. I don't recall specifically.

16 Q. Do you recall what part of downtown you  
17 were in?

18 A. I don't, no.

19 Q. Do you recall what time you saw the  
20 officers standing in the street?

21 A. I do not recall.

22 Q. Was it dark outside?

23 A. Yes.

24 Q. Okay. Did you speak to any of the  
25 police officers that were standing in the street?

1 A. No.

2 Q. On the night of November 25th, 2014,  
3 prior to your arrest, did you speak to any officer of  
4 any police force?

5 A. I don't recall.

6 Q. On the night of November 25th, 2014,  
7 prior to your arrest, did you speak to anyone?

8 A. Yes.

9 Q. Who did you speak to?

10 A. I spoke to Thomas Wheatley; I spoke to  
11 Max Blau; I spoke to various people involved in the  
12 protest; I spoke to the operators of a drone. I  
13 don't recall anyone else I may have spoken to.

14 Q. Okay. Did you travel to the protest  
15 with anyone?

16 A. No.

17 To clarify, depending on what we mean  
18 by "protest." When I became -- Thomas and I became  
19 aware of the main protest's continuous at the same  
20 time, so we then proceeded to that scene together.

21 In terms of me going to downtown  
22 Atlanta, it was alone.

23 Q. So no one rode in your vehicle with  
24 you?

25 A. No.

1           Q.       You said earlier that you saw police  
2       vehicles parked in an apparent attempt -- or in  
3       apparent preparation to deal with protesters. Did  
4       you speak to any officers in order to determine what  
5       they were doing?

6                   MR. WEBER: Object as to form.

7           A.       Not that I recall, no.

8           Q.       (By Ms. Wyatt-Bullman) I'm going to  
9       pass you what I've marked as Defendant's Exhibit 5.  
10      It is a very sophisticated Google map. And there's  
11      two of them.

12                   (Exhibit 5 was marked for  
13      identification.)

14          Q.       (By Ms. Wyatt-Bullman) Mr. Ruch, I'm  
15      going to ask you a series of questions in hopes that  
16      we can determine where you were and what you did and  
17      in what sequence you made those actions and  
18      movements.

19                   And what I have passed you as  
20      Defendant's Exhibit 5 is a map of the downtown  
21      area -- there's two maps. The second map is a  
22      zoomed-in version of the first. And the second map  
23      includes what we have been advised is your arrest  
24      location -- or the second map includes a zoomed-in  
25      version of what we've been advised is your arrest



1 location. And there are various landmarks noted on  
2 the map. So if, at any point, the map assists you in  
3 your testimony, please use it as you need to.

4 Once you stepped out of your vehicle,  
5 where did you go?

6 A. Towards the gathered police officers.

7 Q. And do you recall there being any  
8 landmarks or any street signs that might have  
9 assisted you in knowing your location?

10 A. The central area was a park that I  
11 believe was Woodruff Park.

12 Q. So you exited your vehicle and you went  
13 towards Woodruff Park; is that correct?

14 A. I went towards the gathered police  
15 officers. I did not know the area at the time.

16 Q. But you now believe that the police  
17 officers were gathered at Woodruff Park; is that  
18 correct?

19 A. In the vicinity of Woodruff Park, yes.

20 Q. Okay. And why did you go in that  
21 direction?

22 A. To view and report on what they were  
23 doing.

24 Q. Who was doing?

25 A. The police officers.

1 Q. Was your sole motive on the night of  
2 November 25th, 2014, to view and report on police  
3 officers' activity?

4 A. No.

5 Q. When you exited your vehicle, your  
6 intent was to review and report on what police  
7 officers were doing; is that correct?

8 MR. WEBER: Object as to form.

9 THE WITNESS: Partially correct. My  
10 intent was to report on any type of protest  
11 activity and any type of official response to  
12 the protest activity.

13 Q. (By Ms. Wyatt-Bullman) When you reached  
14 the police officers that were gathered, did you take  
15 any photographs or videos of the police officers?

16 A. Yes; though not necessarily the ones  
17 who I specifically saw and attracted me to the area.  
18 There turned out to be a number of police officers  
19 gathered in various areas in the vicinity.

20 Q. Do you know if the police officers that  
21 you photographed at the first location you went to  
22 after exiting your car were Atlanta police officers?

23 A. I do not recall.

24 Q. Did anyone stop you from taking those  
25 photographs?

1 A. No.

2 Q. And what were the police officers doing  
3 at that location?

4 A. I'm sorry -- can you clarify?

5 Q. Sure.

6 A. Do you mean the specific location,  
7 or . . .

8 Q. So it's my understanding that you  
9 exited your vehicle, and you went towards a group of  
10 police officers near what you now know as Woodruff  
11 Park. What were those police officers doing at that  
12 location?

13 A. I do not recall what those specific  
14 officers were doing.

15 Q. Did you speak to any of those officers?

16 MR. WEBER: Object as to form.

17 THE WITNESS: Not as I recall.

18 Q. (By Ms. Wyatt-Bullman) Okay. After you  
19 arrived at the Woodruff Park area, what did you do  
20 next?

21 A. I walked around the vicinity to see if  
22 any protesters were in attendance and, in doing so,  
23 took photos of various police officers and passersby.  
24 And then did find some protesters and took  
25 photographs of them and attempted to interview them.

1           Q.       When you say you walked around the  
2       vicinity, what does that mean to you?

3           A.       I walked on -- along the streets of a  
4       few blocks in the area where I had seen the police  
5       activity that originally inspired me to stop and take  
6       the opportunity to do news reporting.

7           Q.       Okay. And what was that activity that  
8       you observed?

9           A.       There were several types of activity,  
10      such as officers standing in a line together as if  
11      preparing to march. Some were sitting in their  
12      vehicles; some were standing along the streets. And  
13      in the vicinity of the protesters, some were  
14      observing the protesters.

15          Q.       And what do you mean by "observing the  
16      protesters"?

17          A.       Standing on the sidewalk or in the  
18      street, looking at them, and -- yeah, looking at  
19      them.

20          Q.       When you observed the officers  
21      observing the protesters, do you recall any of the  
22      protesters filming the police officers?

23                   MR. WEBER: Object as to form.

24                   THE WITNESS: I do not recall.

25          Q.       (By Ms. Wyatt-Bullman) Do you recall

1 any of the protesters having recording devices with  
2 them?

3 A. I do not recall.

4 MR. WEBER: Object as to form.

5 Sorry. Go ahead.

6 Q. (By Ms. Wyatt-Bullman) Okay. When you  
7 found the protesters, do you recall what location  
8 they were at?

9 A. They were near a park -- or alongside a  
10 park that I was told, as I recall, by Thomas, is  
11 Woodruff Park.

12 Q. Okay. Did you meet up with  
13 Mr. Wheatley at Woodruff Park?

14 A. No.

15 Q. Where did you meet up with  
16 Mr. Wheatley?

17 A. On a sidewalk in this vicinity.

18 Q. In the vicinity of Woodruff Park?

19 A. Yes.

20 Q. And do you recall about what time you  
21 would have met Mr. Wheatley?

22 A. I don't recall.

23 Q. Approximately how long had you been on  
24 the streets, or out of your vehicle, when you met up  
25 with Mr. Wheatley?

1 A. I don't recall specifically.

2 Q. Would it have been longer than an hour?

3 A. Probably not. I can't recall

4 specifically.

5 Q. So you saw Mr. Wheatley less than an  
6 hour after you'd been in downtown Atlanta on foot?

7 A. I don't recall specifically.

8 Q. How many protesters were in the area  
9 when you met up with Mr. Wheatley?

10 A. I don't know. I did not count them.

11 Q. Were there more than a thousand?

12 A. No.

13 Q. Were there more than 50?

14 A. I don't know. It was plainly not the  
15 main full-scale protest march.

16 Q. And how do you know that?

17 A. So it was a much smaller group of  
18 people, but I did not count the exact number.

19 Q. Was it more than 10 people?

20 A. I don't know. I don't recall, and I  
21 did not count.

22 Q. How did you know there was a larger  
23 group of protesters?

24 A. From national and local media reports.

25 Q. And how did you come to interact with

1     **Mr. Wheatley?**

2             A.       He approached me on the sidewalk.

3             **Q.       And did you-all have a conversation?**

4             A.       Yes.

5             **Q.       And what did you discuss?**

6             A.       We discussed his presence and my  
7     presence there and the coincidence of us encountering  
8     each other. We discussed the protest march, which we  
9     believed to be ending. And we discussed "Creative  
10    Loafing" reporter Max Blau's work in covering the  
11    protest.

12            **Q.       Okay. Was that all that you discussed**  
13   **with Mr. Wheatley?**

14            A.       That's all I recall.

15            **Q.       At what point did Mr. Wheatley,**  
16   **quote-unquote, "hire you" to cover the story?**

17            A.       Could you clarify what you mean by "at  
18    what point"?

19            **Q.       Well, during this initial conversation,**  
20   **did Mr. Wheatley hire you to cover the story?**

21            A.       No.

22            **Q.       How long do you believe this**  
23   **conversation with Mr. Wheatley went on for?**

24            A.       A few minutes.

25            **Q.       And after your conversation with**

1 Mr. Wheatley ended, what did you do next?

2 A. I joined Thomas in looking for Max  
3 Blau.

4 Q. All right. And where did you look for  
5 Mr. Blau at?

6 A. In a nearby location, Thomas was taking  
7 the lead. I was not familiar with the location or  
8 Max's location. So I was following Thomas.

9 Q. And do you know how far you traveled to  
10 look for Mr. Blau?

11 A. I don't know specifically. I don't  
12 recall. It was not a long journey.

13 Q. And you were on foot, correct?

14 A. Yes.

15 Q. And do you recall any of the streets  
16 that you were walking along?

17 A. No.

18 Q. And were you --

19 A. I do not recall.

20 Q. Were you walking with protesters?

21 A. No.

22 Q. Approximately how long did it take you  
23 and Mr. Wheatley to find Mr. Blau?

24 A. I don't recall. A matter of minutes.

25 Q. And once you found Mr. Blau, what did



1     **you do next?**

2             A.       We spoke with Max and then began to  
3     discuss professional coverage of the protest.

4             **Q.       And what did that professional coverage**  
5     **discussion entail?**

6             A.       Thomas offered to employ me to cover  
7     the protest. I accepted and was then assigned to  
8     cover a particular part of the protest.

9             **Q.       Okay. When you found Mr. Blau, were**  
10    **there protesters in the area where he was located?**

11            A.       Yes.

12            **Q.       And how many protesters?**

13            A.       I don't know, and I did not count. A  
14    large number.

15            **Q.       More than a hundred?**

16            A.       I can't be specific. I don't know.

17            **Q.       And do you know what location Mr. Blau**  
18    **was at?**

19            A.       I do not know.

20            **Q.       Do you recall any landmarks around him?**

21            A.       I do not recall them, no.

22            **Q.       Or any street names?**

23            A.       I do not.

24            **Q.       Okay. Approximately how long, after**  
25    **exiting your vehicle on November 25th, 2014, did you**

1 find Mr. Blau?

2 A. I don't recall specifically.

3 Q. Would it have been more than an hour  
4 after you exited your vehicle?

5 A. I just am not sure.

6 Q. Would it have been more than four hours  
7 after you exited your vehicle?

8 A. No.

9 Q. Would it have been more than three  
10 hours after you exited your vehicle?

11 A. No.

12 Q. Would it have been more than two hours  
13 after you exited your vehicle?

14 A. No.

15 Q. So somewhere between an hour and two  
16 hours, you believe you met up with Mr. Blau; is that  
17 correct?

18 A. Possibly less than that. I just don't  
19 recall. I was not watching a clock.

20 Q. So it's possible that you met up with  
21 Mr. Blau less than an hour after you exited your  
22 vehicle?

23 A. It is possible, yes.

24 Q. What were your specific duties as  
25 assigned by Mr. Wheatley?

1           A.       I was to cover the -- not the end of  
2     the -- the tail of the protest, such as it was,  
3     loosely defined.

4           Q.       What do you mean, "such as it was  
5     loosely defined"? What do you mean by that?

6           A.       The protesters' main activity was  
7     engaging in a March along the sidewalk; thus forming  
8     a line of people. And so my duty was to cover the  
9     people towards the end of that line.

10          Q.       Okay. And when you say "cover," what  
11     were you to do to cover that event?

12          A.       I was to take photographs and write  
13     Tweets documenting and reporting on anything  
14     significant that they did or said, which was then  
15     incorporated into "Creative Loafing's" live blog of  
16     the protest, and also to use that material for  
17     potential future stories to be determined.

18          Q.       So one of your duties was to Tweet  
19     photographs and written content during the protest;  
20     is that correct?

21          A.       Correct.

22          Q.       And were there any specific ways in  
23     which you were to share that with "Creative Loafing,"  
24     or note that it was supposed to be content for  
25     "Creative Loafing"?

1           A.       No. That was not a technical  
2 requirement of the process.

3           Q.       So you were -- part of your duties, as  
4 assigned by Mr. Wheatley, was to just to Tweet on  
5 your own personal Twitter feed?

6           A.       Yes, which was then incorporated into  
7 "Creative Loafing's" live blog report on its website,  
8 as well as its social media.

9           Q.       Okay. And were you able to -- were you  
10 able to post Tweets regarding the protest to Twitter,  
11 as assigned by Mr. Wheatley?

12          A.       Yes.

13          Q.       And you were essentially to follow  
14 behind the protesters at the end of the protest or at  
15 the end of the group of protesters as they moved; is  
16 that correct?

17                   MR. WEBER: Object as to form.

18                   MS. WYATT-BULLMAN: Yes. That's a  
19 messy question. Let me ask it better.

20          Q.       (By Ms. Wyatt-Bullman) Mr. Wheatley  
21 assigned you to, as you said, "cover the tail end of  
22 the protest." And in your mind, that meant that you  
23 followed the end of the protest as they marched along  
24 the sidewalk; is that correct?

25          A.       Correct. After, or alongside them,

1     whatever allowed me to understand what they were  
2     doing and how officials might be reacting to them or  
3     how passersby might be reacting to them.

4             Q.       Okay. So it wasn't as if you had to be  
5     the last person in the line of marchers; you just  
6     needed to be in that back area; is that correct?

7             A.       Correct.

8             Q.       Okay. Do you know what streets you  
9     were marching along?

10            A.       Some, but certainly not all.

11            Q.       Okay. Do you recall what street you  
12    started at?

13            A.       I do not.

14            Q.       Do you recall any landmarks around  
15    where you started?

16            A.       No.

17            Q.       And you said you were attempting to  
18    interview protesters. Did anyone agree to be  
19    interviewed by you?

20            A.       It was not that formal a process. Some  
21    protesters spoke briefly with me.

22            Q.       And did you have any of their names?

23            A.       No.

24            Q.       So they spoke with you, but you didn't  
25    acquire any names?

1 A. Correct.

2 Q. Did you quote any of the protesters in  
3 any of the content you provided for that night?

4 A. I don't recall.

5 Q. Okay. When you began to follow the  
6 protesters, did you observe any police officers in  
7 the area?

8 A. Yes.

9 Q. And were those police officers members  
10 of the Atlanta Police Department?

11 A. Some of them certainly were. I do not  
12 recall if some may have been with other police  
13 agencies.

14 Q. Okay. And what were those officers  
15 doing?

16 A. A wide variety of activities.

17 Q. Okay. And what were those activities?

18 A. Standing on sidewalks and in the  
19 streets; some directing traffic; some sitting in  
20 cars; some driving in cars; some speaking with  
21 protesters; flying a helicopter, and possibly other  
22 activities.

23 Q. Were there any other activities that  
24 you observed?

25 A. I don't recall.

1           Q.       The "possibly other activities," what  
2       would that encompass?

3           A.       I don't know.

4           Q.       Did you -- when you began to follow the  
5       protesters, did you observe any protesters who had  
6       recording devices with them? -- devices that could  
7       take photographs or take video recordings?

8           A.       Yes.

9           Q.       And were those protesters utilizing  
10       those recording devices?

11                   MR. WEBER: Object as to form.

12                   THE WITNESS: Can you clarify what you  
13       mean by "utilizing as recording devices,"  
14       or . . .

15           Q.       (By Ms. Wyatt-Bullman) Sure. Did you  
16       observe any protesters taking any photographs during  
17       the protest?

18                   MR. WEBER: Object as to form.

19                   THE WITNESS: Yes.

20           Q.       (By Ms. Wyatt-Bullman) And did you  
21       observe APD stopping any of those individuals from  
22       taking any photographs?

23                   MR. WEBER: Object as to form.

24                   THE WITNESS: No.

25           Q.       (By Ms. Wyatt-Bullman) And did you

1     yourself -- were you able to take photographs of the  
2     protesters as you began to follow them?

3             A.     As I began, yes.

4             Q.     And what type of device were you using  
5     to take those photographs?

6             A.     A cell phone.

7             Q.     What type of cell phone?

8             A.     An Apple iPhone.

9             Q.     On November 25th, 2014, did you have  
10    press credentials on you?

11            A.     Yes.

12            Q.     And where were those credentials from?

13            A.     They were from the "Rockdale News" and  
14    the "Mission Hill" and "Jamaica Plain" gazettes.

15            Q.     And in what form were the credentials?  
16    Were they in a card? a badge?

17            A.     A form of -- two passes each in the  
18    form of a laminated business-type card.

19            Q.     At any point, did you inquire as to  
20    whether there was an area set up for reporters to  
21    cover the protest?

22            A.     No. And nor was there -- there would  
23    not be an expectation of such a thing.

24            Q.     So you would be surprised to know that  
25    there was a press area set up for -- maintained for



1 reporters covering the protest?

2 A. Yes. The protest was -- appeared to be  
3 moving under its own direction, and there would be no  
4 way to anticipate where it was going.

5 Q. So after the protesters began to move,  
6 do you know which direction you went?

7 A. I do not.

8 Q. Do you recall any of the streets that  
9 you walked upon?

10 A. In -- I'm sorry, can you clarify  
11 when --

12 Q. Sure. So I'm still trying to work  
13 chronologically from -- you know, we're talking about  
14 from the time you got out of your vehicle, you're at  
15 Woodruff Park, you met up with Mr. Wheatley; you and  
16 Mr. Wheatley then went and found Mr. Blau, you found  
17 Mr. Blau, you became employed by Mr. Wheatley, the  
18 march began to move. Where did it go?

19 A. I do not recall specific streets or  
20 directions.

21 Q. Okay.

22 A. Particularly in chronology.

23 Q. Do you recall any of the streets in  
24 which you walked upon?

25 A. At the beginning, or . . .

1 Q. Yes.

2 A. I do not.

3 Q. Do you recall any landmarks or  
4 buildings that you passed by?

5 A. In the early phase, I do not.

6 Q. Do you recall passing by the CNN  
7 Center?

8 A. I recall seeing a CNN sign and perhaps  
9 referring to that in my coverage. I don't know if  
10 that was literally the CNN Center, however.

11 Q. Okay. How long did you move with the  
12 group of protesters?

13 MR. WEBER: Object as to form.

14 THE WITNESS: I don't recall with  
15 precision. A significant time.

16 Q. (By Ms. Wyatt-Bullman) Would it have  
17 been more than four hours?

18 A. I'm not sure.

19 Q. Would it have --

20 A. I don't -- I don't think so, but I'm  
21 not sure.

22 Q. Okay. Would it have been more than  
23 five hours?

24 A. I believe not.

25 Q. Okay. Would it have been more than

1 three hours?

2 A. I'm just not sure.

3 Q. Okay. It could perhaps have been  
4 somewhere between three and four hours?

5 A. It's possible.

6 Q. But definitely no more than five?

7 A. That's -- yes.

8 Q. Okay. Do you recall at what time you  
9 started Tweeting?

10 A. I don't recall.

11 Q. Okay. Let's do this. This might help.  
12 I'm going to pass you a bundle of what  
13 I have been told are Tweets that you made on  
14 November 25th, 2014, and we're going to mark this as  
15 Defendant's Exhibit 6.

16 (Exhibit 6 was marked for  
17 identification.)

18 Q. (By Ms. Wyatt-Bullman) Just take as  
19 long as you need to look through those.

20 MR. WEBER: Are you going to have  
21 specific questions about ones?

22 MS. WYATT-BULLMAN: Yes.

23 MR. WEBER: Okay.

24 Q. (By Ms. Wyatt-Bullman) Are you familiar  
25 with the documents held within Defendant's Exhibit 6?

1 A. Yes.

2 Q. And do you believe that Defendant's  
3 Exhibit 6 encompasses all the Tweets that you made on  
4 November 25th, 2014, relevant to the Ferguson protest  
5 that occurred in Atlanta?

6 A. I am not sure. I would have to check  
7 it against the -- the original list of what we  
8 submitted in discovery.

9 Q. Okay. Is it --

10 A. It's a large number of documents. I  
11 just -- I'm not sure.

12 Q. Okay. Do you believe that you have  
13 turned over all of your Tweets relevant to the  
14 Ferguson protest that occurred in Atlanta, Georgia,  
15 on November 25th, 2014?

16 A. Yes.

17 Q. And you believe that all of those have  
18 been produced in this matter?

19 A. Yes.

20 Q. All right. So the first Tweet, which  
21 has been labeled "Ruch Plaintiff Production 506," do  
22 you recall how soon after you took this photograph  
23 that you would have put it on Twitter?

24 A. I don't recall precisely, but a short  
25 time.

1 Q. So you were taking photographs and then  
2 Tweeting them while you were out in the field; is  
3 that correct?

4 A. Yes.

5 Q. Okay. And would this first Tweet have  
6 occurred before or after Mr. Wheatley hired you to  
7 cover the protest?

8 A. This was before Thomas hired me.

9 Q. And why were you Tweeting before  
10 Mr. Wheatley hired you?

11 A. In my role as a journalist, to provide  
12 news to those who follow me, you know, as part of  
13 the -- a -- you know, marketing my services. As well  
14 as having this documentation available to myself for  
15 possible freelance stories, if I were able to sell  
16 them to an outlet in the future.

17 Q. Okay. And the Tweet says, "Prison  
18 buses ready to go on Edgewood." Based on that  
19 statement, do you believe that the photograph was  
20 taken on Edgewood Avenue?

21 A. Yes.

22 Q. And how do you know it was a prison  
23 bus?

24 A. Based on looking at it, its design.

25 Q. Did you stop and ask anybody if it was

1 a prison bus?

2 A. No.

3 Q. Could it have been used to transport  
4 personnel?

5 A. Yes.

6 Q. So you just assumed it was a prison  
7 bus?

8 A. I was referring to its -- its physical  
9 design, in describing it.

10 Q. How does a prison bus differ from any  
11 other bus?

12 A. With the metal grilles on the -- or  
13 security devices on the windows.

14 Q. And did the bus have any writing on it  
15 indicating it was a prison bus?

16 A. I don't recall.

17 Q. But you would agree that this bus could  
18 have been used to transport personnel?

19 A. Yes.

20 Q. Did you see any prisoners in the bus?

21 A. I don't recall. I don't believe so.

22 Q. Did you see -- at the time you took the  
23 photograph in what has been labeled "Ruch Plaintiff  
24 Production 506," did you see anyone being arrested?

25 A. I'm sorry -- can you repeat that?

1 Q. At the time you took the photograph, in  
2 the document that's been labeled "Ruch Plaintiff  
3 Production 506," did you see anyone being arrested?

4 A. Not that I recall.

5 Q. Okay. How long after you arrived --  
6 let me ask a better question. How long after you  
7 exited your vehicle did you take the photograph  
8 that's been labeled "Ruch Plaintiff Production 506"?

9 A. I don't recall.

10 Q. Would it have been two hours after you  
11 arrived?

12 A. No. A relatively short time. A matter  
13 of minutes.

14 Q. Okay. So then would it be accurate to  
15 say you parked your vehicle somewhere around 8:40 at  
16 night?

17 A. Around -- around that time, yes.

18 Q. Okay. So 8:40, 8:30, is most likely  
19 the time that you exited your vehicle in order to  
20 cover the protest on November 25th, 2014?

21 A. First of all, I can't say with that  
22 specific a certainty. Second of all, I stopped twice  
23 in downtown Atlanta. So this -- you are referring to  
24 what became my coverage of the main protest march,  
25 that was an entirely separate parking and approaching

1 sequence.

2 Q. Okay. Well, let's talk about that.

3 Because you said you stopped twice in downtown

4 Atlanta.

5 A. Yes.

6 Q. So I know you went to Vine City first.

7 A. Yes.

8 Q. And then you came into downtown

9 Atlanta.

10 A. Yes.

11 Q. And you said you observed some  
12 officers, vehicles in the street, and then you  
13 observed officers standing in the street. Did you  
14 stop somewhere in downtown Atlanta, prior to making  
15 those observations?

16 A. I'm sorry -- can you clarify?

17 MR. WEBER: Stopped in the park? I'm  
18 sorry.

19 Q. (By Ms. Wyatt-Bullman) You said you  
20 made two stops in downtown Atlanta.

21 MR. WEBER: Oh.

22 Q. (By Ms. Wyatt-Bullman) I'm trying to  
23 figure out when the stops were.

24 A. This is during the first stop that I  
25 recall, this Edgewood -- this Tweet referring to



1 "Edgewood" was during the first time that I recall  
2 stopping and exiting my vehicle.

3 Q. Okay. And after you made the Tweet  
4 that included the "prison bus," did you return to  
5 your vehicle?

6 A. Yes.

7 Q. And how long after you made the "prison  
8 bus" Tweet did you return to your vehicle?

9 A. I don't recall. But not a long period  
10 of time.

11 Q. Less than an hour?

12 A. Most likely.

13 Q. Less than 30 minutes?

14 A. I don't recall.

15 Q. Okay. And did you -- between the time  
16 that you got out of your vehicle and posted the  
17 8:48 Tweet and returned to your vehicle, did you  
18 speak to anyone?

19 A. Not that I recall.

20 Q. Okay. And so you returned to your  
21 vehicle, and what did you do once you were back in  
22 your vehicle?

23 A. I proceeded to drive through downtown  
24 Atlanta, again, keeping my eyes open for any type of  
25 protest activity outside of the main protest that was

1     garnering major media attention.

2             Q.       And what prompted you to park your  
3     vehicle and get out of your vehicle?

4             A.       I'm sorry -- can you clarify when --

5             Q.       Sure. You said you stopped twice.

6             A.       Yes.

7             Q.       And pardon me if my assumption is  
8     wrong, but I assume when you said you stopped twice,  
9     that you parked your vehicle and exited your vehicle.  
10    Is that a false assumption?

11            A.       I'm sorry -- can you rephrase that?

12    Is --

13            Q.       You said you stopped your vehicle  
14    twice, correct?

15            A.       I said I exited my vehicle twice.

16            Q.       And we know that after you posted the  
17    8:48 p.m. Tweet, you returned to your vehicle and  
18    drove around downtown Atlanta?

19            A.       Yes.

20            Q.       Where did you stop your vehicle that  
21    second time?

22            A.       I don't recall. I don't recall the  
23    specific street.

24            Q.       And so when you stopped your vehicle,  
25    you exited your vehicle that second time; is that

1 correct?

2 A. Yes.

3 Q. And that second time when you exited  
4 your vehicle, is that when you went to what you know  
5 is Woodruff Park?

6 A. Yes.

7 Q. If we could look at the second Tweet in  
8 the stack, "Ruch Plaintiff 507," do you recall if  
9 this second Tweet, the one that was posted at 9:59,  
10 occurred after you exited your vehicle the second  
11 time?

12 A. This occurred beforehand.

13 Q. This occurred before you exited your  
14 vehicle the second time?

15 A. As I recall, yes.

16 Q. Okay. In looking at the first two  
17 Tweets together, what happened between Tweeting the  
18 8:48 Tweet and Tweeting the 9:59 Tweet?

19 MR. WEBER: Object as to form.

20 THE WITNESS: I don't recall  
21 specifically. There were -- can you be more  
22 specific?

23 Q. (By Ms. Wyatt-Bullman) Did you exit  
24 your vehicle for the second time between the  
25 8:48 Tweet and the 9:59 Tweet?

1 A. I do not believe so.

2 Q. Okay. So when you posted the  
3 9:59 Tweet, were you still in your vehicle?

4 A. Yes.

5 Q. All right.

6 A. I actually -- I'd like to clarify that.  
7 It was -- the photograph was taken when I was in my  
8 vehicle. I'm not sure, literally, physically where I  
9 was when I sent that.

10 Q. Okay. Well, the Tweet says, "Cops on  
11 Peachtree Moving In." Do you believe you were near  
12 Peachtree Street?

13 A. Yes.

14 Q. And you were taking photos with your  
15 iPhone while you were in a moving vehicle; is that  
16 correct?

17 A. It was not a moving vehicle.

18 Q. Were you parked at the time?

19 A. This was at a traffic signal, and  
20 police vehicles passing through temporarily halted  
21 traffic at this intersection. So I took that  
22 opportunity to take this photo of a particular  
23 vehicle that had passed onto the sidewalk at that  
24 time.

25 Q. And it says, "Cop can nearly hit me."

1 What did you mean by "cop can nearly hit me"?

2 A. I meant "cop car," but I made a typo.

3 Q. And is the cop car photographed in the  
4 photograph on the 9:59 Tweet, is that the cop car  
5 that nearly hit you?

6 A. As I recall, the vehicle pictured in  
7 the photograph is indeed the one that passed very  
8 close to me and onto the -- onto a portion of the  
9 sidewalk.

10 Q. Did that vehicle have its lights and  
11 sirens on at the time it passed you?

12 A. I believe it had its lights on. I do  
13 not recall a siren. I just don't recall.

14 Q. Okay. So we know that the photograph  
15 in the 9:59 Tweet was taken prior to you meeting  
16 Mr. Blau at Woodruff Park; is that correct?

17 A. As I recall, yes.

18 Q. Did you post to Twitter the  
19 9:59 photograph prior to meeting with Mr. Blau?

20 A. I don't recall.

21 Q. All right.

22 A. I believe so, but I don't recall.

23 Q. You said you believe so?

24 A. Yeah. But I don't recall.

25 Q. So after you took the photograph in the

1 9:59 photo, at some point after that, you parked your  
2 vehicle; is that correct?

3 A. Well, I don't recall when I posted that  
4 photo --

5 Q. Well, when you took the photo --

6 A. -- was my answer.

7 Q. When you took the photo -- sometime  
8 after you took the photo, you parked your vehicle and  
9 exited; is that correct?

10 A. As I recall, yes.

11 Q. So let's look at the next photo. This  
12 photo has been labeled "Ruch Plaintiff Production  
13 508," and it was posted at 10:11 p.m.; is that  
14 correct?

15 A. According to Twitter's timestamp there.

16 Q. Do you have any reason --

17 A. I did not -- you know, I have not  
18 verified that against a clock or something, so I  
19 don't have personal knowledge of the exact . . .

20 Q. Do you have any reason to doubt the  
21 accuracy of the time and date stamp on these Twitter  
22 posts?

23 A. No.

24 Q. Do you recall where you were when you  
25 took the photograph in Plaintiff's Exhibit Production

1 508?

2 A. I don't recall specifically.

3 Q. Do you recall if you were in your  
4 vehicle when this photograph was taken?

5 A. I was not in my vehicle.

6 Q. Would this photograph have been taken  
7 after you exited your vehicle for the second time?

8 A. Yes.

9 Q. Was this photo taken before you met up  
10 with Mr. Wheatley at Woodruff Park?

11 A. I believe so.

12 Q. Okay. Were there any protesters around  
13 when you took the photograph that was posted at  
14 10:11 p.m. on November 25th, 2014?

15 A. In this immediate vicinity, no.

16 Q. And again, you believe that the  
17 photograph posted at 10:11 p.m. was taken before you  
18 met up with Mr. Wheatley, correct?

19 A. I believe so, yes.

20 Q. How long after you took the photograph  
21 did you post it to Twitter?

22 A. A short time later, as I recall.

23 Q. Did anyone stop you from taking this  
24 photograph?

25 A. No.

1 Q. Were you standing in the street when  
2 you took the photograph?

3 A. I was standing on a sidewalk.

4 Q. All right. Let's look at the next  
5 photograph. The next photograph is Bates-labeled  
6 "Ruch Plaintiff Production 509." And what time did  
7 you post this photo to your Twitter feed?

8 A. Again, according to the timestamp, that  
9 I have no independent knowledge of, it was 10:18 p.m.

10 Q. And do you recall where you were when  
11 you took this photo?

12 A. It appears to be in the vicinity of --  
13 the Woodruff Park vicinity that I was referring to.

14 Q. And do you believe that this photograph  
15 was taken before you spoke to Mr. Wheatley?

16 A. I believe so, yes.

17 Q. And are those Atlanta police officers  
18 pictured in the photograph?

19 A. I believe so.

20 Q. And did anyone stop you from taking  
21 this photograph?

22 A. No.

23 Q. Let's look at the next picture. And  
24 the next picture -- Twitter post has been labeled  
25 "Ruch Plaintiff Production 510." What time did you



1 post this photograph to Twitter?

2 A. Again, according to the timestamp, that  
3 I have not independently verified or have independent  
4 knowledge of, it was at 10:20 p.m.

5 Q. And what were you taking a picture of?

6 A. I was taking a photograph of police  
7 officers after they had made an order to some -- a  
8 group of protesters.

9 Q. And what order did they provide to that  
10 group of protesters?

11 A. I recall two orders. One was to keep  
12 moving, rather than standing with signs, as they were  
13 doing at that time, which made it difficult for me to  
14 speak with them. They also told the group to leave  
15 the sidewalk completely.

16 I don't recall in what order those  
17 orders were made, as they have some contradiction,  
18 obviously. But those are what I recall hearing.

19 Q. Do you generally understand that the  
20 police officers were asking the protesters to leave  
21 the area?

22 MR. WEBER: Object as to form.

23 THE WITNESS: With the first order to  
24 leave the sidewalk -- or the one order about  
25 leaving the sidewalk seemed to be indicating

1 to clear the -- clear the area.

2 The one about keeping moving, I -- that  
3 just meant keep moving, I guess. I don't  
4 know. I have no independent knowledge of it.

5 Q. (By Ms. Wyatt-Bullman) Did you ever ask  
6 any of the officers what they meant by their orders?

7 A. No.

8 Q. And were you on foot when you took the  
9 photograph that you posted at 10:20?

10 A. Yes.

11 Q. And was this photograph taken before  
12 you met up with Mr. Wheatley?

13 A. I believe so.

14 Q. Did you post this photograph shortly  
15 after you took the same?

16 A. Yes.

17 Q. Did any of the officers prevent you  
18 from taking the photograph that you posted on 10:20?

19 A. No.

20 Q. The next Twitter post was labeled "Ruch  
21 Plaintiff Production 511." Do you recall taking the  
22 photograph that's been labeled "Ruch Plaintiff  
23 Production 511"?

24 A. Yes.

25 Q. And did you post this photograph to

1 your Twitter feed at 10:22?

2 A. I don't recall. That is the timestamp  
3 that Twitter gave it. I just -- I don't recall.

4 Q. And do you believe that you took the  
5 10:22 photograph after you posted the  
6 10:20 photograph?

7 A. I don't recall.

8 Q. Was it your practice to take a series  
9 of photographs and then slowly post them to Twitter,  
10 or was your practice to take a photograph and then  
11 post it to Twitter, take another photograph and then  
12 post it to Twitter?

13 A. There was no -- I do not have a  
14 distinct, unified practice. It depends on the  
15 timeliness of what I documented, depends on the  
16 quality of the paragraph. So it is possible that  
17 I -- well, my practice as a reporter is to sometimes  
18 send out a photo immediately; sometimes to withhold  
19 it and send it out later; and sometimes to not send  
20 it at all if it appears to be irrelevant or of poor  
21 quality.

22 Q. You posted a caption for this  
23 photograph -- the content of this photograph says,  
24 "Red Bull ad car tries to run cop gauntlet." What  
25 did you mean by that?

1           A.       I do not recall specifically what  
2 police activity I was referring to. I recall  
3 generally that police officers had either -- were  
4 blocking some portion of the street with their  
5 presence. And that my interpretation of this  
6 advertising vehicle's intended route was to go to --  
7 somewhere that was interfering with what the police  
8 were doing.

9           Q.       Okay. Do you believe the police were  
10 blocking a street from cars -- from vehicular travel  
11 or from pedestrian travel?

12                   MR. WEBER: Object as to form.

13                   THE WITNESS: I don't recall. And I do  
14 not recall what form that took, as the police  
15 were doing a number of different activities,  
16 including standing in a marching order and  
17 having vehicles parked in various locations.  
18 So I just do not recall specifically what that  
19 meant.

20           Q.       (By Ms. Wyatt-Bullman) Did any police  
21 officer prevent you from taking the photograph that  
22 you posted to Twitter at 10:22?

23           A.       No.

24           Q.       Were there police officers in the area  
25 when you took the photograph?

1           A.       Can you define "area"? I do not recall  
2 officers being immediately near me.

3           Q.       All right. Oh. Going back to the  
4 10:22 photograph -- and I may have asked this, and if  
5 I did, I apologize. Did you take this photograph  
6 before you met up with Mr. Wheatley?

7           A.       I believe so, but I cannot be certain.

8           Q.       Did you post this photograph before you  
9 met up with Mr. Wheatley?

10          A.       Again, I believe so. I'm not  
11 absolutely certain.

12          Q.       Okay. Let's go to the next photograph.  
13 It's labeled "Ruch Plaintiff Production 512." Do you  
14 recall taking the photo that has been marked as "Ruch  
15 Plaintiff's Production 512"?

16          A.       Yes.

17          Q.       And did you post this photograph to  
18 Twitter?

19          A.       Yes.

20          Q.       And what is occurring in the  
21 photograph?

22          A.       A group of police officers is walking  
23 on a sidewalk.

24          Q.       Okay. And your caption says, "Cops  
25 Allowed on Streets." What did you mean by that?

1           A.       I believe this was a reference to their  
2 previous order, telling civilians they had to leave  
3 the streets.

4           Q.       Okay. Are the police officers on the  
5 sidewalk or on the streets?

6           A.       They are on the sidewalk.

7           Q.       Okay. Did any of these police officers  
8 prevent you from taking any photographs or videos?

9           A.       No.

10                   Not at that time. I can't recognize  
11 any of them. So, for example, I don't know if they  
12 may have been involved in my later arrest.

13           Q.       Okay. At the time you took the  
14 photograph that you posted to Twitter at 10:27 p.m.  
15 on November 25th, 2014, did any officer instruct you  
16 not to take a photograph or prevent you from taking  
17 that photograph?

18           A.       No. Not directly.

19                   Indirectly, in ordering protesters to  
20 keep moving, making it difficult or impossible to  
21 report on them, yes. Directly, no.

22           Q.       Do you believe that when the police  
23 officers made the order asking the protesters to keep  
24 moving, that they made that order in an effort to  
25 prevent you from reporting on the story?

1 MR. WEBER: Object as to form.

2 THE WITNESS: I don't know why they did  
3 that.

4 Q. (By Ms. Wyatt-Bullman) To the best of  
5 your knowledge, did you announce to any of those  
6 officers that you were a reporter?

7 A. No.

8 Q. Do you have any reason to believe that  
9 any of the officers knew you were a reporter at the  
10 time that they ordered the protesters to continue  
11 moving?

12 A. Yes, in terms of it being obvious that  
13 I was speaking to and photographing protesters. If  
14 anybody observed me, it could a rational conclusion  
15 that I was reporting on their activity and  
16 documenting it.

17 Q. And the equipment that you had with  
18 you, was your cell phone; is that correct?

19 A. A cell phone and a notebook.

20 Q. Based on the fact that you had a cell  
21 phone and a notebook and you were speaking to  
22 individuals, you believe that the cops should have  
23 been able to infer that you were a reporter?

24 A. They should have been able to infer  
25 that I was -- that I had a First Amendment right to

1 speak to and document people on a public sidewalk, as  
2 any citizen does, or noncitizen.

3 Q. But again, you don't know why the  
4 police asked the protesters to continue moving?

5 A. No.

6 Q. But you believe it was an effort to  
7 thwart your reporting activity directly?

8 A. That is not my claim. My claim is that  
9 the result was thwarting my reporting activity  
10 directly.

11 Q. Okay. So you do not believe that the  
12 police officers issued an order to directly thwart  
13 your reporting activity?

14 MR. WEBER: Object as to form.

15 THE WITNESS: I don't know why they  
16 issued the order.

17 Q. (By Ms. Wyatt-Bullman) Let's take a  
18 look at --

19 A. I'm sorry. Could we take a break? I  
20 don't necessarily need a break, but I could use some  
21 water.

22 MS. WYATT-BULLMAN: No, we can take a  
23 break. We can all use a break. Absolutely.

24 (A short recess was taken, after which  
25 the following proceedings were had:)



1 MS. WYATT-BULLMAN: Back on the record.

2 Q. (By Ms. Wyatt-Bullman) Continuing to  
3 look at the photograph that you posted at 10:27 p.m.  
4 on November 25th, 2014. Did you post this photo  
5 shortly after you took the photo?

6 A. As I recall, yes.

7 Q. And again, this was before you met up  
8 with Mr. Wheatley; is that correct?

9 A. I believe so. I can't be totally sure,  
10 but I believe so.

11 Q. And it was posted before you met up  
12 with Mr. Wheatley?

13 A. Again, I believe so, but I am not  
14 totally sure.

15 Q. All right. We can turn to the next  
16 photograph. This photograph has been Bates-labeled  
17 "Ruch Plaintiff's Production 513." Did you take the  
18 photograph in Document No. 513?

19 A. Yes.

20 Q. And did you then post the photograph to  
21 Twitter?

22 A. Yes.

23 Q. The timestamp on it says "10:30 p.m."  
24 Do you have any reason to believe that that timestamp  
25 is incorrect?

1 A. No.

2 Q. And the caption for the photograph  
3 says, "No Justice, No Peace." Why did you include  
4 that caption?

5 A. As you will see, the phrase is  
6 contained within quote marks. It is a quotation of  
7 what some of the pictured protesters were chanting.

8 Q. And do you know what location these  
9 protesters were at, at the time that you took the  
10 photo?

11 A. I do not recall.

12 Q. Was the photo that you posted at  
13 10:30 p.m. taken before or after you met up with  
14 Mr. Wheatley?

15 A. I believe this was taken after I met  
16 Thomas, and he had hired me to begin coverage.

17 Q. Okay.

18 A. As I recall.

19 Q. Okay. So let's look at 512 and 513  
20 together. So 512 was posted at 10:27 p.m., and 513  
21 was posted at 10:30 p.m. So you believe in that  
22 three-minute time span, you met up with Mr. Wheatley  
23 and he hired you?

24 A. I don't recall, and I can't say  
25 specifically what the time span was. Again, I may

1 have Tweeted the Number 512 while I was speaking with  
2 Thomas or walking with Thomas elsewhere. I just  
3 don't recall.

4 In short, that's not definitive.

5 Q. Okay. You believe the photograph that  
6 you posted at 10:30 p.m. was taken after Mr. Wheatley  
7 hired you?

8 A. To the best of my recollection, yes.

9 Q. And you have no knowledge of where the  
10 photograph was taken at?

11 A. I don't recall.

12 Q. Did anyone prevent you from taking the  
13 photograph that you posted at 10:30 p.m.?

14 A. In 513?

15 Q. Yes.

16 A. No.

17 Q. And do you recall a police presence at  
18 the time you took the photograph that you posted at  
19 10:30 p.m.?

20 A. I do not recall a police presence at  
21 this particular location.

22 Q. Okay. We can move on to the  
23 photograph -- the next photograph. It's labeled  
24 "Ruch Plaintiff Production 514." Do you recall  
25 taking the photograph that was labeled "Ruch

1 Plaintiff Production 514"?

2 A. Yes.

3 Q. And did you post this photograph to

4 Tweeter at 10:43 p.m. on November 25th, 2014?

5 A. I don't recall.

6 Q. Okay.

7 A. I don't know.

8 Q. And do you believe that you took the  
9 photograph that you posted at 10:43 p.m. after  
10 Mr. Wheatley hired you?

11 A. Yes.

12 Q. And do you recall your location when  
13 you took the 10:43 photograph?

14 A. No.

15 Q. Do you recall a police presence at the  
16 time you took the 10:43 photograph?

17 A. I don't recall.

18 Q. In looking at the next Twitter post,  
19 it's labeled "Ruch Plaintiff Production 515." Do you  
20 recall taking the photo that's labeled "515"?

21 A. Yes.

22 Q. And did you post this photograph to  
23 Twitter?

24 A. Yes.

25 Q. Did you post it at 10:47 p.m.?

1 A. I don't know.

2 Q. Do you have any reason to believe that  
3 the Twitter time and date stamp is incorrect?

4 A. No.

5 Q. And the caption for it says, "Singing  
6 We Want Peace." Why did you include that caption?

7 A. The "we want peace" phrase is contained  
8 within quotation marks. So I was communicating that  
9 the pictured people were singing the phrase, "We want  
10 peace."

11 Q. Did anyone prevent you from taking this  
12 photograph?

13 A. No.

14 Q. And it looks like you have captured  
15 someone else capturing that image, if you turn back  
16 to the 10:15 photo. Does it appear that there's a  
17 gentleman on the right-hand side also recording?

18 A. It appears to be a man with a camera.

19 Q. Okay. Did you see many individuals  
20 with cameras during the protest?

21 A. A number -- yes. A number of  
22 individuals.

23 Q. And do you recall the police preventing  
24 any of those individuals from taking photographs?

25 A. Aside from me, you mean, or -- can you

1 be more specific?

2 Q. Sure. The question was, you know, you  
3 testified that you saw many other individuals --

4 A. Uh-huh.

5 Q. -- at the protest with a camera.

6 A. Uh-huh.

7 Q. My question is, did you observe Atlanta  
8 Police Department prevent any of those other  
9 individuals from taking any of those photos?

10 A. During the entire protest?

11 Q. Yes.

12 A. No.

13 Q. Let's move on to "Ruch Plaintiff  
14 Production 516." Do you recall taking the photograph  
15 that's been marked as "Ruch Plaintiff Production  
16 516"?

17 A. Yes.

18 Q. And did you then post this photograph  
19 to Twitter?

20 A. Yes.

21 Q. And do you believe that this photograph  
22 was taken after Mr. Wheatley hired you to cover the  
23 protest?

24 A. Yes.

25 Q. And do you know what location you were

1 at when this photograph was taken?

2 A. I don't recall.

3 Q. And do you have any reason to believe  
4 that the Twitter time and date stamp of 10:48 p.m.,  
5 on November 25th, 2014, is inaccurate?

6 A. No.

7 Q. Okay. And why did you take this  
8 photograph?

9 A. As part of my news reporting of the  
10 protesters' actions.

11 Q. Okay. And do you recall if the  
12 protesters had been moving at the time this  
13 photograph was taken?

14 A. I'm sorry -- can you clarify what you  
15 mean by that?

16 Q. Sure. Yes, absolutely.  
17 So you testified earlier that  
18 Mr. Wheatley hired you to cover sort of the tail end  
19 of the protest.

20 A. Uh-huh.

21 Q. And that you were to sort of follow  
22 along with them. So was this photograph taken after  
23 you began your following duties?

24 A. Yes.

25 Q. And do you know how long you had been

1 following the protest after this photograph was  
2 taken?

3 A. I don't recall.

4 Q. In looking at 513, the Tweet with the  
5 caption, "No Justice, No Peace," do you believe that  
6 this photograph was taken after your following duties  
7 had begun?

8 A. In 513?

9 Q. Yes.

10 A. I don't recall.

11 Q. Okay. Let's look at 514. Was the  
12 photograph in 514 taken after your following duties  
13 began?

14 A. Yes.

15 Q. Okay. And were you Tweeting  
16 photographs while you were following the protesters?

17 A. Yes.

18 Q. Okay. So you were taking photographs,  
19 attempting to interview people, Tweeting and walking  
20 at the same time?

21 A. Yes.

22 Q. Okay. Did any police officers prevent  
23 you from taking the photograph that has been marked  
24 "Ruch Plaintiff Production 516"?

25 A. No.



1 Q. All right. Let's turn to the next  
2 photograph. The next document is labeled "Ruch  
3 Plaintiff Production 517." Do you recall taking this  
4 photograph?

5 A. Yes.

6 Q. And do you recall -- and did you post  
7 this photograph to Twitter?

8 A. Yes.

9 Q. And do you have any reason to believe  
10 that you did not post this photograph at 10:51 p.m.  
11 on November 25th, 2014?

12 A. No.

13 Q. And why did you take this photograph?

14 A. As part of my duties as a reporter  
15 covering the actions of the protesters and official  
16 response to them.

17 Q. And what was occurring in the  
18 photograph?

19 A. At this time, the protesters had  
20 stopped on a sidewalk and sat down; a large group of  
21 police officers was observing them.

22 Q. Were these officers in any way  
23 prohibiting them from protesting?

24 A. Not that I recall.

25 Q. And did any of the officers prevent you

1 from taking the photograph that you posted at 10:51  
2 to Twitter?

3 A. No.

4 Q. Do you recall any of the police  
5 officers issuing any orders while this crowd was  
6 sitting?

7 A. At -- during -- not necessarily during  
8 this photograph.

9 Q. Okay. So the police officers were  
10 allowing the protesters to exercise their First  
11 Amendment rights at the time that this photograph  
12 that you tweeted at 10:51 p.m. was taken; is that  
13 correct?

14 MR. WEBER: Objection as to form.

15 THE WITNESS: In terms of my direct  
16 experience at that particular spot, yes.

17 Q. (By Ms. Wyatt-Bullman) Okay.

18 A. I can't speak to the entire protest or  
19 other actions.

20 Q. Based on your observations, none of the  
21 police officers depicted in the photograph that you  
22 took at -- or that you posted to Twitter at 10:51  
23 interfered with anyone's First Amendment rights; is  
24 that correct?

25 A. I don't know. I don't know who they

1 are.

2 Q. But you didn't observe any violations  
3 at that time?

4 A. At that time, no.

5 Q. All right. Well, let's move on to  
6 what's been marked as "Ruch Plaintiff Production  
7 518." And did you take the photo that's been  
8 labeled, "Ruch Plaintiff Production 518"?

9 A. Yes.

10 Q. And did you post it to Twitter at  
11 10:52 p.m. on November 25th, 2014?

12 A. I don't know.

13 Q. Do you have any reason to believe that  
14 the time and date stamp for Twitter is inaccurate?

15 A. No.

16 Q. And what were you depicting in this  
17 photograph?

18 A. This is a group of protesters sitting  
19 on a sidewalk, some of them playing music, while  
20 other protesters do other things.

21 Q. Do you know what "other things" they  
22 were doing?

23 A. Not with specific detail.

24 Q. You don't remember what you observed?

25 A. Not specifically.

1 Q. And would you have posted this  
2 photograph to Twitter shortly after you took it?

3 A. Yes.

4 Q. And does the photograph in 518 just  
5 appear to be another angle of 517?

6 A. I don't recall.

7 Q. Well, were there separate sit-in  
8 locations?

9 A. I don't recall.

10 Q. And do you have any idea of the  
11 location you were at when you took the photograph  
12 that you posted at 10:52?

13 A. I -- no.

14 Q. Okay. Did any police officer prevent  
15 from you taking the photograph that you posted to  
16 Twitter at 10:52 p.m. on November 25th, 2014?

17 A. No.

18 Q. Let's turn to Ruch Plaintiff Production  
19 1015.

20 "1019" -- sorry. 1019.

21 THE WITNESS: Or --

22 MR. WEBER: "519."

23 THE WITNESS: Five --

24 MS. WYATT-BULLMAN: 519. I apologize.

25 Q. (By Ms. Wyatt-Bullman) Did you take the

1 photograph that has been marked "Ruch Plaintiff  
2 Production 519"?

3 A. Yes.

4 Q. And did you post that photograph to  
5 Twitter?

6 A. Yes.

7 Q. Do you have any reason to believe that  
8 you did not post this photograph at 10:56 p.m. on  
9 November 25th, 2014?

10 A. No.

11 Q. And it says -- the caption says, "News  
12 Drone, Guy Says." What does that caption mean?

13 A. The photograph depicts a drone, and the  
14 caption refers to it.

15 Q. Okay.

16 A. So it's describing its purpose.

17 Q. Who is "guy"? Who was the guy you  
18 mention in the Tweet?

19 A. One of two men operating the drone.

20 Q. Do you know who they were?

21 A. I do not recall their names.

22 Q. Do you know if they were with a  
23 specific company?

24 A. Yes.

25 Q. Do you know what company that is?

1           A.       I believe it is American Drone  
2 Industries.

3           Q.       And do you recall how long American  
4 Drone Industries filmed the protest?

5                   MR. WEBER: Objection as to form.

6                   THE WITNESS: I don't recall. And I  
7 don't have -- I don't have the knowledge.

8           Q.       (By Ms. Wyatt-Bullman) Okay. Can you  
9 point out the drone in the photograph?

10          A.       It is at the very top of the  
11 photograph, as I recall. I believe that this is not  
12 the full-sized photograph. It is the Twitter  
13 cross-fit.

14          Q.       Okay. Did any police officer prevent  
15 you from taking this photograph?

16          A.       No.

17          Q.       Do you recall your location at the time  
18 this photograph was taken?

19          A.       No.

20          Q.       Let's move to what's been marked as  
21 "Ruch Plaintiff Production 520." Do you recall  
22 taking the photograph labeled "Ruch Plaintiff  
23 Production 520"?

24          A.       Yes.

25          Q.       And did you post this photograph to

1     **Twitter?**

2                   A.       Yes.

3                   Q.       Do you have any reason to believe that  
4     you did not post this photograph at 11:02 p.m. on  
5     November 25th, 2014?

6                   A.       No.

7                   Q.       And what were you capturing in this  
8     photograph?

9                   A.       Two people wearing T-shirts saying,  
10    "Legal observers."

11                  Q.       Did you speak to either of these  
12    individuals at any point during the protest?

13                  A.       Not as I recall.

14                  Q.       Okay. So you have no knowledge of  
15    their actual involvement in the protest?

16                  A.       No.

17                  Q.       Do you recall where you were at at the  
18    time you took this photograph?

19                  A.       No.

20                  Q.       And you were still covering the,  
21    quote-unquote, "Tail end of the protest" at the time  
22    the photograph was taken?

23                  A.       Yes.

24                  Q.       Okay. Do you recall interacting with  
25    any other reporters who were covering the protest

1 while you were covering the tail end?

2 A. I spoke with the two individuals from  
3 the drone company. I spoke with Thomas and Max, my  
4 coworkers. I do not recall speaking to any other  
5 reporter.

6 Q. Okay. Look at what's been marked as  
7 "Ruch Plaintiff Production 521." Do you recall  
8 taking this photograph?

9 A. Yes.

10 Q. And did you post it to Twitter?

11 A. Yes.

12 Q. And do you have any reason to believe  
13 that you did not post this photograph to Twitter at  
14 11:04 p.m. on November 25th, 2014?

15 A. No.

16 Q. And what were you depicting in this  
17 photograph?

18 A. I was depicting the footwear of a TV  
19 reporter.

20 Q. Do you recall which station she was  
21 reporting for? And I assume it was a female. If I'm  
22 not correct, please let me know.

23 A. I do not recall her affiliation.

24 Q. Did you speak to her at any point?

25 A. Not as I recall.



1           Q.       But you felt like her shoes were  
2 newsworthy?

3           A.       I felt it was impressive that she was  
4 marching the whole way in those shoes.

5           Q.       Okay. So at this point, you have been  
6 Tweeting from 8:48 p.m. to 11:04 p.m.; is that  
7 correct?

8           A.       I don't know.

9           Q.       Based on the Tweets in front of  
10 you . . .

11          A.       According to timestamps, yes.

12          Q.       So according to the timestamps for  
13 Twitter --

14          A.       I don't know.

15          Q.       According to the timestamps for  
16 Twitter, you had been Tweeting from 8:48 p.m. until  
17 11:04 p.m.; is that correct?

18          A.       Yes.

19          Q.       Did you Tweet every photograph that you  
20 took while marching with the protesters?

21          A.       I don't recall.

22          Q.       Okay. Let's talk about the last Tweet  
23 in Defendant's Exhibit 6. Did you take the  
24 photograph that's been marked as Defendant's  
25 Exhibit 6?

1 A. Yes.

2 Q. And did you post this photograph to  
3 Twitter?

4 A. Yes.

5 Q. And you posted it -- do you have any  
6 reason to believe that you did not post it at  
7 5:16 p.m. on November 26th, 2014?

8 A. No.

9 Q. And what were you photographing?

10 A. I was photographing the interaction  
11 between protesters and police officers.

12 Q. Do you recall where you were standing  
13 at the time this photograph was taken?

14 MR. WEBER: Object as to form.

15 THE WITNESS: On the sidewalk -- on a  
16 sidewalk.

17 Q. (By Ms. Wyatt-Bullman) Okay. What were  
18 you wearing on the night of the protest?

19 A. I was wearing a hat, a jacket, T-shirt,  
20 overshirt, jeans and shoes.

21 Q. Okay. What type of hat?

22 A. A cowboy-style hat.

23 Q. Do you recall the color?

24 A. Black.

25 Q. And what type of jacket were you

1 wearing?

2 A. A leather jacket.

3 Q. Do you know what color?

4 A. Black.

5 Q. Do you still own the jacket?

6 A. Yes.

7 Q. And what type of pants did you have on?

8 I'm assuming you had pants on.

9 A. Yes. Jeans.

10 Q. And to the best of your recollection is  
11 the photo that you posted to Twitter at 5:16 p.m. on  
12 November 26, 2014, the last photo that you took  
13 before you were arrested?

14 A. I don't know.

15 Q. The caption for this photo reads, "Last  
16 photo I took before cops arrested me."

17 A. Uh-huh.

18 Q. So do you believe that your caption's  
19 inaccurate?

20 A. No. I don't believe it's inaccurate.  
21 It was the last photo on my phone. I attempted to  
22 take a photo during my arrest, which the officer  
23 interrupted. I don't know if that took an image that  
24 the police deleted. But I -- I was not in possession  
25 of a photograph.

1 Q. And we're going to get into that in a  
2 minute. So this is the last image that was on your  
3 phone, prior to your arrest; is that correct?

4 A. Yes, as far as I know.

5 Q. Okay.

6 A. I don't know if I was able to complete  
7 taking the other photographs.

8 Q. So as you sit here today, your  
9 testimony is that you attempted to take a photo just  
10 prior to your arrest, but you are unsure if that  
11 photograph was completed?

12 A. Yeah. Yes.

13 Q. So as you sit here today, can you say  
14 with 100 percent accuracy that any photographs were  
15 deleted off of your phone?

16 A. No.

17 Q. So you are not aware of any photographs  
18 that were deleted off of your phone?

19 A. After my arrest, no, I'm not aware.  
20 It's possible that I deleted prior ones myself.

21 Q. Okay. Let's clarify that. So as you  
22 sit here today, are you aware of any photographs that  
23 any member of the Atlanta Police Department deleted  
24 from your phone?

25 MR. WEBER: Object as to form.

1 MS. WYATT-BULLMAN: What is wrong with  
2 the form? Because I want to make sure I get  
3 that correctly on the record.

4 MR. WEBER: Because you are asking  
5 whether he's aware what police did, and he  
6 doesn't have any personal knowledge of what  
7 police did or didn't do.

8 MS. WYATT-BULLMAN: Well, he's aware of  
9 what's on his phone, so -- and his allegations  
10 in his complaint is that the police did  
11 something.

12 Q. (By Ms. Wyatt-Bullman) So I'm asking,  
13 as to your knowledge, are you aware of any  
14 photographs that the Atlanta Police Department -- any  
15 member of the Atlanta Police Department deleted from  
16 your phone that you were using as a video device or a  
17 photographic device on November 25th, 2014?

18 A. I don't know. I don't know if I  
19 completed taking that photograph that was interrupted  
20 by the officer. I just don't know.

21 Q. I'm going to pass you what we're going  
22 to mark --

23 MR. WEBER: Are you done with this one  
24 for now?

25 MS. WYATT-BULLMAN: For a minute. You

1 might keep it close.

2 Q. (By Ms. Wyatt-Bullman) I'm going to  
3 pass you what we're going to mark as Defendant's  
4 Exhibit 7.

5 (Exhibit 7 was marked for  
6 identification.)

7 Q. (By Ms. Wyatt-Bullman) And I'm going to  
8 put the sticker up here in this black space.

9 Just take all the time you need to look  
10 through those.

11 Mr. Ruch, are you familiar with the  
12 photographs that have been marked as Defendant's  
13 Exhibit 7?

14 A. Yes.

15 Q. And did you take the photographs that  
16 have been marked as Defendant's Exhibit 7?

17 A. Yes.

18 Q. And does Defendant's Exhibit 7  
19 represent all of the photographs that you took on  
20 November 25th, 2014, of the Ferguson, Missouri  
21 protests that happened in downtown Atlanta?

22 MR. WEBER: Object as to form.

23 THE WITNESS: I don't know. Again, I  
24 would have to consult against the list of what  
25 we submitted in discovery. And again, I'm not

1           sure if I completed the photograph I was  
2           attempting to take but was arrested while --  
3           prevented from taking.

4           Q.        (By Ms. Wyatt-Bullman) Okay. When you  
5           were gathering the photographs in response to  
6           defendants' discovery requests, did you notice if any  
7           photographs were missing of those that you took on  
8           that evening?

9                   MR. WEBER: Object as to form.

10                  THE WITNESS: I don't recall.

11           Q.        (By Ms. Wyatt-Bullman) Okay. When you  
12           look through Defendant's Exhibit 7, do you believe  
13           that there are any photographs that you took that are  
14           not included in Defendant's Exhibit 7?

15                   MR. WEBER: Object as to form. And I  
16           can explain it.

17                   MS. WYATT-BULLMAN: Sure.

18                   THE WITNESS: Sure.

19                   MR. WEBER: So he's already testified  
20           that he wasn't sure whether he was able to  
21           complete the photograph that he was taking  
22           prior to his being arrested. So that's why  
23           I'm objecting as to form, because he doesn't  
24           know whether he did in fact complete that  
25           photograph.

1 MS. WYATT-BULLMAN: Absolutely. I can  
2 clarify.

3 MR. WEBER: Yes.

4 Q. (By Ms. Wyatt-Bullman) So excluding the  
5 photograph that you are unsure as to whether or not  
6 you completed at the time of your arrest, does what  
7 we have identified as Defendant's Exhibit 7 include  
8 all the photographs that you anticipate you took or  
9 that you believe you took on November 25th, 2014?

10 A. I don't recall.

11 Q. Okay. When you were gathering  
12 photographs in order to respond to the discovery  
13 requests that defendants made in this matter, other  
14 than the photograph that you were attempting to take  
15 at the time of your arrest, did you notice that any  
16 photographs were missing from your device?

17 A. I don't recall.

18 Q. Is it your belief that you have turned  
19 over all photographs relevant to this matter --

20 A. Yes.

21 Q. -- that you took on your device on  
22 November 25th, 2014?

23 A. Yes.

24 Q. And as you sit here today, can you  
25 specifically recall any photographs that APD deleted



1 from your device?

2 A. I don't know the fate of the photograph  
3 I was attempting to take that my arrest interrupted.

4 Q. So other than the photograph you are  
5 unsure if you completed taking at the time of your  
6 arrest, are you aware of any photographs that you  
7 believe APD deleted from your device on November 25th  
8 or 26th of 2014?

9 A. I don't -- I don't know. I don't know  
10 how I would know.

11 Q. The question was, are you aware. So  
12 are you aware of any photographs that APD deleted --

13 A. No. I'm not aware of that.

14 Q. Okay. The document that we've marked  
15 as Defendant's Exhibit 7 includes Ruch Plaintiff  
16 Production 523 through Ruch Plaintiff Production 551.  
17 Do you recall APD preventing you from taking any of  
18 the photographs that are marked as Exhibit 7?

19 A. No.

20 Q. During the time that you were charged  
21 with following the protesters and collecting  
22 photographs and interviews for Mr. Wheatley's  
23 publication, did you observe APD prevent any person,  
24 other than yourself, from taking any photographs?

25 A. No.

1 Q. Did you observe APD preventing anyone  
2 from making any video recordings?

3 A. No.

4 Q. Based on our review of Defendant's  
5 Exhibit 6, I believe that Ruch Plaintiff Production  
6 513 that you posted at 10:30 p.m. was taken after  
7 Mr. Wheatley hired you, correct?

8 MR. WEBER: Wait.

9 Oh. I gotcha. Sorry.

10 THE WITNESS: I don't -- I don't recall  
11 specifically.

12 Q. (By Ms. Wyatt-Bullman) Okay. Let me  
13 ask this question: In looking at Defendant's  
14 Exhibit 6, do you recall how long -- look at 521, the  
15 shoes photograph.

16 A. Okay.

17 Q. Do you recall how long after you posted  
18 the shoes photograph to Twitter that you were  
19 arrested?

20 A. No.

21 Q. Was it an hour after you made this  
22 Tweet?

23 A. I don't recall.

24 Q. Was it more than two hours after you  
25 made the Tweet?

1 A. I don't recall.

2 Q. Do you think you were there five hours  
3 after you made the Tweet?

4 A. I don't know. I don't know the  
5 specific amount of time.

6 Q. Okay. Do you recall -- after you  
7 Tweeted about the reporter's shoes, do you recall how  
8 far you continued to march before you were arrested?

9 A. No. I was not measuring distance.

10 Q. Do you recall how many blocks you  
11 passed?

12 A. I do not.

13 Q. Do you have any idea of where this  
14 photograph was taken?

15 A. I believe it was the vicinity of  
16 Centennial Olympic Park.

17 Q. Okay. At any point when you were  
18 following the group of protesters that you were  
19 following, did that group of protesters enter what we  
20 call in Atlanta as the connector? -- Highway 75-85?

21 MR. WEBER: Can you repeat the  
22 question?

23 MS. WYATT-BULLMAN: Sure.

24 Q. (By Ms. Wyatt-Bullman) At any point  
25 while you were following the group of protesters that

1     you were hired to follow, do you recall the  
2     protesters entering onto what we refer to in Atlanta  
3     as the connector, which is Highway 75-85?

4                   MR. WEBER: And you're just talking  
5     about his personal observations, right?

6                   MS. WYATT-BULLMAN: Him.

7                   MR. WEBER: All right.

8                   THE WITNESS: I'm sorry -- can you  
9     rephrase? I don't remember how much --

10            Q.        (By Ms. Wyatt-Bullman) Have you been  
11   told how to answer questions?

12            A.        No. Just if it's a negative or a  
13   positive. I'm sorry. Sorry. Rephrase.

14            Q.        I said, do you recall -- do you recall  
15   while you were following the protesters that you were  
16   hired to follow --

17                   MR. WEBER: Got it.

18            Q.        (By Ms. Wyatt-Bullman) -- that that  
19   group of protesters, and presumably yourself, entered  
20   on to what we refer to in Atlanta as the connector,  
21   which is Highway 75-85?

22            A.        They did not, and I did not enter the  
23   highway.

24            Q.        Okay. Perfect. If you go back to  
25   Defendant's Exhibit 5, which is the maps -- the very

1 fancy maps, you indicated that the shoes photograph  
2 was taken around Centennial Olympic Park. Do you  
3 recall where or which cross streets you were close to  
4 on Centennial Olympic Park?

5 A. No.

6 Q. Okay. Do you recall walking on John  
7 Portman Boulevard on November 25th, 2014, prior to  
8 your arrest?

9 A. I don't recall specific streets.

10 Q. Okay. Do you recall the location of  
11 your arrest?

12 A. Yes.

13 Q. And where were you arrested at?

14 A. Outside the police station area.

15 Q. Okay. If you look at the second map --  
16 the zoomed-in map for Defendant's Exhibit 5, do you  
17 see -- able to identify the police department in  
18 which you were arrested in front of?

19 MR. WEBER: This is actually one of the  
20 little things?

21 MS. WYATT-BULLMAN: It is. This is  
22 like a fun game. I can tell that you --

23 MR. WEBER: We are fine with you  
24 pointing to it.

25 THE WITNESS: Yes.

1           Q.        (By Ms. Wyatt-Bullman) And do you  
2 believe that that is the precinct in which you were  
3 arrested in front of?

4           A.        Or alongside, yes.

5           Q.        Okay.

6           A.        It was not at the front door.

7           Q.        Okay. Do you recall which route you  
8 took in order to arrive at the location of your  
9 arrest?

10                   And I would also say that Centennial  
11 Olympic Park is the large green space on the  
12 left-hand side.

13           A.        I do not recall which specific cross  
14 street I took.

15           Q.        Okay. Do you recall any of the  
16 landmarks noted in Page 2 of Defendant's Exhibit 5?  
17 There are several hotels.

18           A.        In terms of . . .

19           Q.        Do you recall passing any of those  
20 landmarks prior to your arrest?

21           A.        No. No. Immediately prior, I  
22 recognize the Americas Mart.

23           Q.        Okay. The Americas Mart building is  
24 actually buildings, so it encompasses several  
25 buildings. Do you recall which one you were at?

1           A.       The one adjacent to the police -- the  
2     Zone 5 Police Precinct depicted on this map.

3           Q.       Okay. But you have no recollection of  
4     whether you were on any of the streets listed or  
5     noted in the map on Page 2 of Defendant's Exhibit 5?

6           A.       Yeah. I don't recall which street.

7           Q.       Okay. And at the time you were  
8     arrested, how long had you been following the  
9     protesters?

10          A.       I don't recall.

11          Q.       Do you recall any fights breaking out  
12     amongst the protesters, prior to your arrest?

13          A.       No.

14          Q.       Do you recall any of the protesters  
15     committing any acts of vandalism prior to your  
16     arrest?

17          A.       No.

18          Q.       Do you recall marching by a Wells Fargo  
19     building where protesters had thrown rocks through  
20     the windows?

21          A.       No.

22          Q.       Do you recall passing by any cabs in  
23     which the protesters had knocked the windows out of  
24     the cabs?

25          A.       No.

1 Q. Do you recall any protesters breaking  
2 out any windows to restaurants?

3 A. No.

4 Q. Do you have any reason to believe that  
5 those events did not occur?

6 MR. WEBER: Object as to form.

7 THE WITNESS: I certainly didn't  
8 observe them, if that's -- what's the  
9 question?

10 Q. (By Ms. Wyatt-Bullman) Do you have any  
11 reason to believe that protesters did not -- do you  
12 have any reason to believe that protesters did not  
13 break out windows in a bank, a restaurant, parked  
14 vehicles, on the night of the protest?

15 MR. WEBER: Same objection.

16 THE WITNESS: I mean, my knowledge of  
17 the actual protesters around me, I -- they did  
18 not do that.

19 Q. (By Ms. Wyatt-Bullman) Okay.

20 A. I don't know how else to answer that.

21 Q. Okay. I'm going to move into what you  
22 call -- recall immediately around the time of your  
23 arrest. As you were moving with the protesters, were  
24 you moving on the sidewalk or in the street?

25 A. On the sidewalk.



1 Q. And why were you on the sidewalk?

2 A. Because that is where the protesters  
3 were and common cultural practice.

4 Q. Do you recall any Atlanta police  
5 members directing protesters to stay on the sidewalk?

6 A. Yes.

7 Q. And do you believe that was --

8 MR. WEBER: I'm sorry. If you could  
9 put a time.

10 MS. WYATT-BULLMAN: Time. Yes. No  
11 problem.

12 MR. WEBER: Thank you.

13 Q. (By Ms. Wyatt-Bullman) So after  
14 Mr. Wheatley hired you, while you were following the  
15 tail end of the protest, do you recall Atlanta police  
16 officers directing protesters to stay on the  
17 sidewalk?

18 A. Yes.

19 Q. And --

20 A. In -- once.

21 Q. One time?

22 A. One time.

23 Q. All right. And do you recall Atlanta  
24 police officers following the protesters as they  
25 moved through the city after Mr. Wheatley hired you?

1 A. Yes.

2 Q. Okay. And while those police officers  
3 were following the group of protesters after  
4 Mr. Wheatley hired you, were they blocking any  
5 streets to allow the protesters to travel in certain  
6 directions?

7 Let me ask a better question.

8 MR. WEBER: Yes.

9 Q. (By Ms. Wyatt-Bullman) After  
10 Mr. Wheatley hired you, did you observe Atlanta  
11 police officers directing vehicle traffic to  
12 accommodate the protesters as they moved through the  
13 city?

14 A. Yes.

15 Q. Was Mr. Blau with you when you were  
16 arrested?

17 A. No.

18 Q. Was a gentleman by the name of Gary  
19 Blustien with you or Greg Blustien with you when you  
20 were arrested?

21 A. He was not with me when I was arrested,  
22 but I spoke to him after I was in custody.

23 Q. Was Mr. Wheatley with you when you were  
24 arrested?

25 A. No. He was not with me during the

1 arrest. He was with me in the immediate aftermath,  
2 when I was in custody.

3 Q. Was Barry Fleming with you at the time  
4 of your arrest?

5 A. No.

6 Q. And American Drone Industries, do you  
7 believe the gentleman with American Drone Industries  
8 were with you at the time of your arrest?

9 A. No.

10 Q. Okay. Just before you were arrested,  
11 what were the crowd of protesters doing?

12 A. There was no unified crowd of  
13 protesters.

14 Q. What do you mean by that?

15 A. The crowd of protesters I had been  
16 following had appeared to have broken up into smaller  
17 groups. And I did not -- I did not know their  
18 status. So I saw a small -- smaller group of  
19 protesters on the sidewalk and various people  
20 standing and walking in the street and on sidewalks.

21 Q. So at some point, you lost track of the  
22 large crowd; is that correct?

23 A. Yes.

24 Q. Do you know how that happened?

25 A. I was writing a Tweet. I paused on the

1 sidewalk as the main group went around a corner, and  
2 so I fell a bit behind.

3 Q. And how many people were in the large  
4 group?

5 A. I don't recall.

6 Q. More than a hundred?

7 A. I don't know.

8 Q. Okay. So the larger group of people  
9 moves down a corner, and you lose track of them,  
10 correct?

11 A. Yes.

12 Q. Did you look for them?

13 A. Yes.

14 Q. And you were unable to find them?

15 A. I saw some people still walking on the  
16 sidewalk. I followed them, and I heard a commotion  
17 some distance ahead. And after that point, there  
18 appeared to no longer be a unified group of  
19 protesters to find.

20 Q. Did it appear that they were  
21 dispersing?

22 A. I could not tell what was happening.

23 Q. Okay. So you --

24 A. I believed there was a larger group  
25 somewhere ahead of me, but I could not tell what was

1     happening.

2             **Q.       Okay. But you located the smaller**  
3     **group; is that correct?**

4             A.       Yes. I encountered a small group  
5     gathered on the sidewalk as well as a number of  
6     people standing and walking around on the sidewalks  
7     and in the streets.

8             **Q.       Did this group appear to be stationary?**

9             A.       The small group I'm referring to, yes.

10            **Q.       And was this smaller group gathered in**  
11    **front of the Zone 5 Police Precinct?**

12            A.       No. But alongside it. Again, not at  
13    its front door.

14            **Q.       And you said you heard a loud**  
15    **commotion. What was the commotion?**

16            A.       It was inarticulate, loud cries and  
17    shouts.

18            **Q.       Okay. And upon hearing the commotion,**  
19    **what did you do?**

20            A.       I jogged to catch up and see what was  
21    happening so that I could continue reporting on the  
22    event.

23            **Q.       And when you -- were you able to catch**  
24    **up with the crowd?**

25            A.       Again, the nature of the activity

1 appeared to have changed. So I caught up with some  
2 people, but I couldn't tell what was happening or if  
3 the main group was continuing.

4 I felt -- my sense was that there  
5 was -- that there had to be more people farther  
6 ahead, so that I had not caught up to the entire  
7 event.

8 Q. Okay. And you said that the nature of  
9 the activity of the group had changed. What do you  
10 mean by that?

11 A. It was no longer a unified crowd  
12 marching on a sidewalk, but rather, was the small  
13 group and individuals variously standing and walking  
14 around.

15 In addition, the police had blocked off  
16 the street from vehicular traffic, which had not been  
17 done on most of the previous streets we had passed  
18 along.

19 Q. Okay. Do you recall any members of the  
20 Atlanta Police Department providing any orders when  
21 you caught up with the small crowd?

22 A. No.

23 Q. Do you recall any officers with a  
24 bullhorn, issuing orders to the crowd?

25 A. No.

1 Q. Do you recall or were you able to  
2 determine what the commotion was?

3 A. At that time, no.

4 Q. Prior to your arrest, were you able to  
5 determine what the commotion was?

6 A. No.

7 Q. So at the time of your arrest, you had  
8 no knowledge of what the commotion was?

9 A. Correct.

10 Q. When you reached this crowd, what was  
11 happening?

12 A. There was a small group of protesters,  
13 gathered on the sidewalk, facing some -- several  
14 police officers. The group appeared to be gathered  
15 around someone or something. And they were shouting  
16 and chanting slogans at the police officers.

17 Q. Okay. And what were the police  
18 officers doing?

19 A. The majority of the police officers  
20 were standing still and listening, if that's the  
21 word. I could briefly see, in the back, behind them,  
22 at least one officer grabbing a civilian.

23 Q. Do you know why the officer grabbed the  
24 civilian?

25 A. No.

1           Q.       And what was your response? What  
2       actions did you take when you caught up with the  
3       small group?

4           A.       I took a photo of them.

5           Q.       And is that the photo that you Tweeted  
6       in Defendant's Exhibit 6? -- Ruch Plaintiff  
7       Production 522?

8           A.       Yes.

9           Q.       And what did you do after you took this  
10      photograph?

11          A.       I proceeded ahead, again believing that  
12      the main protest was occurring somewhere ahead.

13          Q.       How far ahead did you proceed?

14          A.       I don't know. A short distance.

15          Q.       Ten feet? 50 feet?

16          A.       I don't know.

17          Q.       Did you proceed further than the length  
18      of this room?

19          A.       In that vicinity sounds right. I don't  
20      know.

21                   MR. WEBER: And if we could have an  
22      agreement as to how far that is since -- I  
23      mean . . .

24                   MS. WYATT-BULLMAN: I think it's  
25      probably 15 feet.



1 MR. WEBER: I'd say that's -- 15 to 20,  
2 yes. I think that's fair. I just wanted to  
3 put something on there.

4 MS. WYATT-BULLMAN: Yes. I'd say that  
5 the room is approximately 15 to 20 feet  
6 across.

7 MR. WEBER: Fair enough.

8 MS. WYATT-BULLMAN: No problem.

9 Q. (By Ms. Wyatt-Bullman) So after you  
10 proceeded approximately 15 to 20 feet ahead from  
11 where you took the photograph that you posted to  
12 Twitter at 5:16 p.m. on November 26, 2014, what  
13 happened next?

14 A. I saw police officers arresting --  
15 appearing to arrest an individual and bringing them  
16 down to the ground, down to the sidewalk.

17 Q. And what happened next?

18 A. I immediately attempted to take a photo  
19 of the arrest.

20 Q. Okay. What happened next?

21 A. A hand was waved in front of my phone,  
22 blocking me from taking the photo. I looked up to  
23 see a person who had jumped in front of me. That  
24 person grabbed my camera and my arm, and I saw it was  
25 a police officer.

1           Q.       How were you holding your phone when  
2       you attempted to take the photograph?

3           A.       In my hands, extended outward from my  
4       torso.

5           Q.       How far did you have the phone extended  
6       away from your torso?

7           A.       I don't know. A foot or so?

8           Q.       Were your arms fully extended when you  
9       were holding the phone?

10          A.       I don't recall.

11          Q.       And you were holding the phone with  
12       both hands; is that correct?

13          A.       I don't recall. I believe so.

14          Q.       Okay. And it's your testimony that the  
15       officer grabbed your phone; is that correct?

16          A.       Yes.

17          Q.       And with which hand did the officer  
18       grab your phone with?

19          A.       I don't recall.

20          Q.       And your testimony is also that at the  
21       same time she grabbed your phone, she grabbed your  
22       arm; is that correct?

23          A.       Yes.

24          Q.       And which arm did she grab?

25          A.       My left arm.

1 Q. And do you know where on your left arm  
2 she grabbed you?

3 A. In the wrist and forearm area.

4 Q. So between your wrist and your elbow?

5 A. I don't recall a specific point. It  
6 was in that vicinity.

7 Q. Did she grab you higher than your  
8 elbow?

9 A. No.

10 Q. Did she grab you lower than your wrist?

11 A. It was my wrist and forearm area.

12 Q. And do you recall with which hand she  
13 grabbed your arm?

14 A. I don't recall that she was facing me.

15 MS. WYATT-BULLMAN: We can take a break  
16 here for a second.

17 (A short recess was taken, after which  
18 the following proceedings were had:)

19 MS. WYATT-BULLMAN: Back on the record.

20 Q. (By Ms. Wyatt-Bullman) Mr. Ruch, right  
21 before we took our break, you were describing how  
22 the -- how an Atlanta police officer grabbed your  
23 left arm and your cell phone and arrested you; is  
24 that correct?

25 A. Yes.

1 Q. Prior to your arrest -- just prior to  
2 your arrest, do you recall any officers issuing any  
3 orders?

4 A. No.

5 Q. Do you recall anyone on a bullhorn  
6 issuing any orders?

7 A. No.

8 Q. Do you recall any officers attempting  
9 to clear a certain area of individuals?

10 A. No.

11 Q. And you stated that you were holding  
12 your phone approximately a foot away from you, with  
13 both hands; is that correct?

14 A. To the best of my recollection, yes.

15 Q. And were you holding your phone higher  
16 than your waist?

17 A. Yes.

18 Q. Were you holding your phone higher than  
19 your shoulders?

20 A. No.

21 Q. Approximately how long would it have  
22 taken you to take a photo on your cell phone?

23 MR. WEBER: Object as to form.

24 THE WITNESS: It varies, depending on  
25 what you're trying to take a picture of.

1               Seconds to minutes.

2               Q.        (By Ms. Wyatt-Bullman) Did you have the  
3       camera app open on your cell phone prior to entering  
4       the area where you were attempting to take the photo,  
5       before your arrest?

6               A.        I don't recall.

7               Q.        Do you recall how long you stopped in  
8       order to take that photo?

9               A.        Seconds.

10              Q.        Okay. Less than 30 seconds?

11              A.        Yes.

12              Q.        Less than 10 seconds?

13              A.        I can't -- I don't know.

14              Q.        Okay. Why do you believe that the  
15       officer stopped you?

16                      MR. WEBER: And I'll object as to form.  
17                      But go ahead.

18                      MS. WYATT-BULLMAN: What's the --  
19       what's the problem with the question?

20                      MR. WEBER: You said, "Why do you  
21       believe the officer stopped you," and the  
22       "stop" is what I have concerns about, because  
23       I think his testimony is that first the  
24       officer was interfering with the filming and  
25       then the officer was arresting him. So I

1 don't know what the "stop" means. That's all.

2 MS. WYATT-BULLMAN: That's fine. I'll  
3 clarify.

4 Q. (By Ms. Wyatt-Bullman) Why do you  
5 believe that the officer interfered with your taking  
6 a photo?

7 A. I don't know.

8 Q. Is it your belief that the officer  
9 intentionally interfered with you taking a photo?

10 A. Yes.

11 Q. Why do you hold that belief?

12 A. Her behavior was consistent with  
13 someone attempting to block a photo, waving her hand  
14 in front of the device without saying a word, and  
15 then physically grabbing me, to the extent that  
16 before I realized it was a police officer, I assumed  
17 it was just some obnoxious, random person on the  
18 street.

19 Q. Do you encounter a lot of obnoxious  
20 people?

21 MR. WEBER: I guess I'll object as to  
22 form.

23 THE WITNESS: It's hard to quantify,  
24 but not uncommon in my line of work. Some of  
25 them are other journalists.

1           Q.        (By Ms. Wyatt-Bullman) So it's sort of  
2 all very perception-based. Would you agree?

3                   MR. WEBER: And I'll object as to form.

4                   THE WITNESS: A lot of it is  
5 practice-based, I would -- I think you would  
6 agree.

7           Q.        (By Ms. Wyatt-Bullman) Okay. So you  
8 testified that from the time you stopped to attempt  
9 to take the photo, from the time that the officer  
10 grabbed your arm, was seconds, correct?

11           A.        Yes.

12           Q.        How do you know that she knew you were  
13 taking a photograph?

14                   MR. WEBER: Object as to form.

15                   THE WITNESS: Her first action was to  
16 wave her hand in front of my phone that was  
17 pointed at an arrest plainly transpiring on  
18 the sidewalk.

19           Q.        (By Ms. Wyatt-Bullman) And your phone  
20 was higher than your waist, but lower than your  
21 shoulders; is that correct?

22           A.        Yes.

23           Q.        So again, how do you know that she  
24 wasn't just moving through the area?

25                   MR. WEBER: Object as to form.

1 THE WITNESS: She waved her hand in  
2 front of my camera phone.

3 Q. (By Ms. Wyatt-Bullman) I know we're not  
4 going to be able to capture this on the record, but  
5 for my benefit, can you please demonstrate how she  
6 waved her hand?

7 MR. WEBER: I guess I will object  
8 because we can't put it on the record.

9 MS. WYATT-BULLMAN: I'll describe it as  
10 best I can, but -- I think it will assist me  
11 in better understanding what happened that  
12 evening.

13 MR. WEBER: And we're going to object  
14 to the questioner describing what happened, if  
15 it's a demonstration.

16 MS. WYATT-BULLMAN: So are you  
17 instructing him not to provide the  
18 demonstration?

19 MR. WEBER: Well, go ahead and try. I  
20 think I'm probably going to have an objection  
21 through this whole testimony. But that's  
22 fine, if you want to try. I think I'm going  
23 to have an objection. I don't know.

24 MS. WYATT-BULLMAN: Well, you know, I  
25 think for the record, I'm just trying to get a



1 better understanding so that then I can ask  
2 the questions that I need to. Because at this  
3 moment, I don't have a very clear  
4 understanding of what actually happened. So,  
5 you know, if the witness can demonstrate that,  
6 then that might allow me to ask a question  
7 that better clarifies for the record.

8 MR. WEBER: And part of my objection is  
9 that for him to demonstrate, you will have to  
10 establish that he is certain as to particular  
11 moves. Because otherwise, it's just like him  
12 guessing as to exactly where his hands were or  
13 where his arms were. That's the problem with  
14 a demonstration in the course of a deposition,  
15 but . . .

16 MS. WYATT-BULLMAN: No. And I  
17 understand it. But it's his testimony that  
18 she intentionally waved his hand in front of  
19 the camera and I need to know how that  
20 happened.

21 MR. WEBER: But if he doesn't recall if  
22 his fingers were here or a half an inch  
23 further, the demonstration is not an accurate  
24 reflection of his recollection, because he  
25 doesn't recall.

1           Q.        (By Ms. Wyatt-Bullman) To the best of  
2       your ability, can you demonstrate how the officer  
3       waved her hand in front of the camera?

4                   MR. WEBER: And we'll object to this  
5       question, for sure.

6                   THE WITNESS: If my glasses are the  
7       camera, it's to this effect, very rapidly  
8       (indicating), palm facing me.

9           Q.        (By Ms. Wyatt-Bullman) So it was one  
10      hand, correct?

11           A.       Yes.

12           Q.        Do you recall if it was the officer's  
13      left or right hand?

14           A.       I don't recall.

15           Q.        And do you recall -- and it's your  
16      testimony that the officer was waving her hand in a  
17      rapid fashion, correct?

18                   MR. WEBER: In front of the camera is  
19      what he demonstrated. Directly in front of  
20      the camera, and only in front of the camera,  
21      is what he demonstrated.

22                   MS. WYATT-BULLMAN: Are you testifying  
23      for him?

24                   MR. WEBER: No. I'm just describing  
25      what I saw because you're describing what you

1 saw.

2 But go ahead.

3 MS. WYATT-BULLMAN: Well, no, I'm  
4 asking him -- that was a question.

5 THE WITNESS: Can you ask it again?

6 Q. (By Ms. Wyatt-Bullman) Yes. Is it your  
7 testimony that the officer was waving the one hand in  
8 front of the camera rapidly?

9 A. Yes.

10 Q. Okay. And how far away was the  
11 officer's hand from your phone?

12 A. I don't know.

13 Q. Was she more than a foot away?

14 A. I just don't know. She was pretty  
15 close --

16 Q. Was she four feet away?

17 A. -- but I don't know.

18 I don't know. I didn't measure it.

19 Q. Did you get a sense of how far away her  
20 hand was from the camera?

21 A. My sense was that it was close.

22 Q. And what does "close" mean to you?

23 A. It means close. I didn't -- it's not a  
24 measurement.

25 Q. Does "close" mean more than a foot?

1     **Just --**

2             A.       I don't know the distance. I don't  
3     know the specific distance.

4             Q.       Was she further than four feet away?

5             A.       I don't know.

6             Q.       Did you have your camera zoomed in at  
7     the time?

8             A.       No.

9             Q.       So this officer could have been  
10    standing anywhere between a couple of inches and  
11    four feet away from you, just prior to your arrest?

12            A.       As I said, I do not recall any specific  
13    measured distance.

14                   MR. WEBER: And --

15                   THE WITNESS: It was close enough to  
16    block the shot.

17                   MR. WEBER: And you asked for the  
18    demonstration and he did it. I mean, we can  
19    actually measure the distance, if that was his  
20    recollection. Because, I mean, it looked like  
21    it was less than a foot to me. But -- I mean,  
22    whatever you want to do.

23                   MS. WYATT-BULLMAN: Yes.

24             Q.       (By Ms. Wyatt-Bullman) If you would  
25    like to hold up a phone and place your hand where you

1 believe her hand was at, we can certainly measure  
2 that?

3 MR. WEBER: Yes. That's fine.

4 THE WITNESS: Again, I was looking  
5 through the camera at the time, so I'm more  
6 familiar with the hand blocking it than with,  
7 you know, what she was doing or where she was  
8 in time and space.

9 You know, that feels about right  
10 (indicating).

11 Q. (By Ms. Wyatt-Bullman) Okay. Hold on.

12 A. This is getting really abstract.

13 MR. WEBER: We have a dollar bill,  
14 which is six inches.

15 MS. WYATT-BULLMAN: This is eight and a  
16 half right here.

17 Q. (By Ms. Wyatt-Bullman) So do you  
18 believe that her hand was less than eight-and-a-half  
19 inches away from your --

20 A. I can't specify a distance in inches.  
21 I can't do that. It would just be -- that's a false  
22 precision. I can't do it.

23 Q. Presumably her hand is attached to her  
24 body, correct?

25 A. Correct.

1 Q. Where was her body in relation to you  
2 at the time the hand went in front of your camera?

3 MR. WEBER: Could you repeat the  
4 question? I'm sorry.

5 MS. WYATT-BULLMAN: Sure.

6 Q. (By Ms. Wyatt-Bullman) Where was her  
7 body in relation to you at the time she -- the hand  
8 was waved in front of your camera?

9 A. So I recall she was to my left and  
10 leaning a bit, to wave her hand. And then she moved  
11 directly in front of me.

12 Q. How much time passed between the time  
13 that she waved her hand and she moved in front of  
14 you?

15 A. Very -- very brief. Seconds.

16 Q. Less than 10 seconds?

17 A. Yes.

18 Q. And did you see her prior to attempting  
19 to take the photograph?

20 A. No.

21 Q. And again, the hand was moving in a  
22 very rapid kind of waving fashion? Is that an  
23 accurate description?

24 A. Yes.

25 Q. And she was standing to your left?

1 A. As I recall, yes.

2 Q. Let's do this. I'm going to hand you a  
3 piece of paper.

4 I'm going to hand you a piece of paper  
5 and a pen. And if you could draw for me -- and I  
6 understand and I do not expect everyone to be an  
7 artist. So to the best of your ability, if you could  
8 draw your location on the sidewalk, and then I'll  
9 have you add pieces of it from there.

10 Can you draw --

11 MR. WEBER: We can do this. I'm just  
12 going to interpose an objection to it because  
13 there's obviously going to be problems with  
14 accuracy and --

15 MS. WYATT-BULLMAN: I'm not asking it  
16 to be to scale.

17 MR. WEBER: Fair enough.

18 Q. (By Ms. Wyatt-Bullman) Certainly not to  
19 scale. But let's start with just drawing the  
20 sidewalk and where you were at.

21 A. (Witness complies.)

22 MR. WEBER: And this is at the time  
23 of --

24 MS. WYATT-BULLMAN: At the time of your  
25 arrest.

1 MR. WEBER: -- the officer's  
2 interaction.

3 Q. (By Ms. Wyatt-Bullman) At the time of  
4 the hand waving.

5 A. So it's quite a wide sidewalk at that  
6 point --

7 MR. WEBER: If you'll put "sidewalk" on  
8 it.

9 Q. (By Ms. Wyatt-Bullman) Just write it  
10 there at the top. And could you mark the street so  
11 we know which side is the building side and which  
12 side is the street side?

13 A. Yeah. So if we show this as the -- how  
14 would you like me to --

15 MR. WEBER: This is Zone 5?

16 THE WITNESS: These are buildings, this  
17 is street, you mean --

18 Q. (By Ms. Wyatt-Bullman) Okay. So  
19 whatever's the street, put "street."

20 A. (Witness complies.)

21 Q. Okay, great. Now indicate where a  
22 building began. You said it was a wide sidewalk.

23 A. I'm assuming the building begins at the  
24 sidewalk, and it goes to the wall. I don't know what  
25 was going on over here.



1 Q. Where's the wall?

2 A. The wall, as I recall -- the building  
3 goes right up to it.

4 Q. Okay. So where were you standing --

5 A. To --

6 MR. WEBER: Put a "J" --

7 Q. (By Ms. Wyatt-Bullman) -- at the time  
8 of the hand waving?

9 MR. WEBER: Can he put a "JR" for him?

10 MS. WYATT-BULLMAN: Well, yes.

11 Q. (By Ms. Wyatt-Bullman) I'm not  
12 expecting you to draw yourself. Stick figures are  
13 fine.

14 MR. WEBER: No, just "JR" as who it is.

15 THE WITNESS: Again, very generally  
16 without scale and so forth here.

17 Q. (By Ms. Wyatt-Bullman) Right.

18 A. So if I'm -- I was near the curb --

19 Q. You were in the street?

20 A. No. I was on the sidewalk.

21 MR. WEBER: Okay. We have to do it  
22 over again.

23 MS. WYATT-BULLMAN: Well, then you have  
24 to draw the sidewalk again.

25 THE WITNESS: I'm sorry. I've confused

1 everybody, including myself.

2 Q. (By Ms. Wyatt-Bullman) Do you want  
3 another piece?

4 MR. WEBER: So the sidewalk is up here?

5 THE WITNESS: I'm sorry. Let me start  
6 over.

7 Q. (By Ms. Wyatt-Bullman) Do you want  
8 another piece?

9 A. Yeah. I didn't want to put "sidewalk"  
10 on the sidewalk.

11 Q. (By Ms. Wyatt-Bullman) We'll let your  
12 attorney keep it.

13 A. Well, let's just do it this way. I'll  
14 make that the sidewalk, and this the street  
15 (indicating).

16 Q. Much better.

17 A. Okay. And building.

18 MR. WEBER: Do you want him to put  
19 where he was?

20 Q. (By Ms. Wyatt-Bullman) Where were you  
21 at at the time of the hand waving?

22 MR. WEBER: And that will be designated  
23 by a "JR."

24 THE WITNESS: Here (indicating).

25 Q. (By Ms. Wyatt-Bullman) And where was

1 the crowd at the time of the hand waving?

2 A. The crowd is over here (indicating).

3 Q. Okay. And where was the incident that  
4 you were attempting to photograph located?

5 A. So the arrest was closer to the wall --  
6 approximately in that area (indicating).

7 Q. And the event you were attempting to  
8 photograph, you have labeled "arrest"; is that  
9 correct?

10 A. Yes.

11 Q. And where was the officer who waved the  
12 hand standing?

13 A. Should I call her "officer"?

14 Q. You can say "officer."

15 MR. WEBER: Was she behind you, or in  
16 front of you? You've had prior testimony  
17 about her location. I'm just trying to make  
18 sure the diagram is somewhat reflective --

19 THE WITNESS: It's a long word. Anyway  
20 she was essentially in front of me and to my  
21 left and then came in, you know, the hand and  
22 then -- and her body coming in front of me, as  
23 I recall.

24 Q. (By Ms. Wyatt-Bullman) Your back was to  
25 the street, correct?

1 A. Yes.

2 Q. And she was facing the street?

3 A. Yes.

4 Or facing me.

5 Q. Okay. And were there other officers in  
6 the area at the time of the hand waving?

7 A. Yes.

8 Q. And you can just put a star or a dot  
9 where the other officers were.

10 MR. WEBER: And I think I'll object to  
11 it. I mean, there were a lot of officers  
12 around there, but . . .

13 THE WITNESS: Yes. And this is really  
14 with no precision and location, but as I  
15 recall, there were at least two involved in  
16 this arrest. So there were some dealing with  
17 the crowd. And I believe after my arrest, I  
18 realized there were a couple over -- at least  
19 some over here (indicating).

20 Q. (By Ms. Wyatt-Bullman) Okay.

21 MR. WEBER: And are you including any  
22 officers that may have been in the street?

23 THE WITNESS: Yes. Does that -- how  
24 far do I go?

25 Q. (By Ms. Wyatt-Bullman) Well, were there

1     any officers in your immediate vicinity in the  
2     street?

3             A.       I don't recall. Since my back was to  
4     it. There were officers, again, just sort of  
5     wandering around all over the place, so -- including  
6     in the street.

7             Q.       So I know you were attempting to  
8     photograph the arrest that was occurring close to the  
9     building. What was the crowd doing at that time?

10            A.       I don't know. I wasn't paying  
11     attention to them. I certainly -- I didn't detect  
12     any change.

13            Q.       Okay. Can you go ahead and sign and  
14     date your drawing for me?

15            A.       (Witness complies.)

16                    MR. WEBER: And we'll just interpose an  
17     objection to it. But that's fine.

18                    And we won't have a copy --

19                    THE WITNESS: As I'm signing it, I'm  
20     adding question marks to a number of copies,  
21     so . . .

22                    MR. WEBER: Maybe we can take this off  
23     the record for a second.

24                    (Thereupon an off-the-record discussion  
25     was had.)

1           Q.        (By Ms. Wyatt-Bullman) And we are going  
2       to mark your drawing as Exhibit 8 to the deposition.

3                       (Exhibit 8 was marked for  
4       identification.)

5                       MS. WYATT-BULLMAN: And you indicated  
6       you had an objection to the drawing. I just  
7       want to make sure we get the objection on the  
8       record.

9                       MR. WEBER: I'm just interposing an  
10      objection due to the accuracy of the diagram,  
11      the inability of the diagram to capture the  
12      location of all involved, based upon his  
13      testimony. That's fine.

14                      MS. WYATT-BULLMAN: Okay.

15           Q.        (By Ms. Wyatt-Bullman) To the best of  
16      your ability, Mr. Ruch, do you believe that that  
17      diagram reflects your location as it relates to the  
18      individual you were trying to photograph and the  
19      officer who waved the hand?

20           A.        In the vaguest terms possible, yes.  
21      It's certainly not to any kind of scale or -- you  
22      know, or utility. It's as rough as it could be.

23           Q.        That's fine.

24                      So after the officer grabbed your  
25      arm -- your left arm, what happened next?

1           A.       I looked at her and realized she was a  
2 police officer, and she looked at me. And I  
3 immediately said something to the effect of, "I'm a  
4 reporter. I'm with the media. I'm with the media."

5           **Q.       Okay.**

6           A.       And she -- since she had grabbed my arm  
7 with some force, I took a step back, and we just  
8 looked at each other for half a second.

9           **Q.       For half a second?**

10          A.       And she said nothing.

11          **Q.       Okay. And --**

12          A.       Approximately half a second.

13          **Q.       And what happened next?**

14          A.       I felt a pat or tug on my jacket, and I  
15 heard a male voice from behind me, say, "Take this  
16 one."

17          **Q.       Okay. Do you know who the voice was**  
18 **connected to?**

19          A.       I did not know at the time. I've since  
20 been told it was a commanding officer on the scene.

21          **Q.       And who told you that?**

22          A.       My attorneys.

23          **Q.       Okay. Do you have any independent**  
24 **knowledge of who the individual who tapped you on the**  
25 **back was?**

1 A. No.

2 Q. Okay. After you were tapped on the  
3 back, what happened next?

4 A. The officer who grabbed me told me I  
5 was under arrest.

6 Q. All right. And what happened next?

7 A. She ordered me to get on the ground, so  
8 I laid down on the sidewalk and complied.

9 Q. After you were on the sidewalk, what  
10 happened?

11 A. I was handcuffed, my phone and hat were  
12 taken by the police, and that -- yeah.

13 Q. Okay. Do you remember which officer  
14 took your phone?

15 A. I do not recall.

16 Q. Okay. So after you were handcuffed,  
17 what happens next?

18 A. I was brought back to my feet, and I  
19 was kept with the officer who grabbed me, as well as  
20 another officer, for some time, during which I saw  
21 Thomas Wheatley nearby and alerted him to the fact I  
22 was being arrested. And he and I protested to the  
23 officers that I was a reporter and demanded to know  
24 what the charges were. And to -- you know, to effect  
25 my release.



1           **Q.       And what happened next?**

2           A.       The officers repeatedly refused to say  
3       what the charge was and asked us about the -- whether  
4       I was carrying a media badge, which -- the -- neither  
5       of us -- we asked what that meant. The officers  
6       could not explain what that meant.

7                   Thomas explained there is no -- you  
8       know, no such thing as a license, or something like  
9       that, and that he himself had no badge. But they  
10      continued to keep me in custody.

11          **Q.       During that time, did you attempt to**  
12      **show any of the officers the press credentials that**  
13      **you said you had in your wallet?**

14          A.       No. That would have been  
15      inappropriate, as that was for other media  
16      organizations that I was not representing.

17          **Q.       Did you offer to show those press**  
18      **credentials at any point?**

19          A.       No.

20          **Q.       So when the officer was asking you for**  
21      **a media badge, you didn't think to offer the press**  
22      **credentials in your wallet?**

23          A.       No. Those are not media badges, and  
24      there is no such thing, in fact, as a media badge.

25          **Q.       Why didn't you offer to show the press**

1      **credentials that you had in your wallet --**

2                    MR. WEBER:   Asked and answered.

3            Q.        (By Ms. Wyatt-Bullman) -- at that time?

4            A.        You asked; I answered already.

5            Q.        Well, we can have the court reporter  
6      **read it back, if you want that.**

7                    MR. WEBER:   Yes.   That's fine.

8                    MS. WYATT-BULLMAN:   Let's do that.

9                    (The record referred to was read back  
10                   by the reporter as follows:

11                   "QUESTION:   During that time, did you  
12                   attempt to show any of the officers, the press  
13                   credentials that you said you had in your  
14                   wallet?

15                   "ANSWER:   No.   That would have been  
16                   inappropriate, as that was for other media  
17                   organizations that I was not representing.")

18            Q.        (By Ms. Wyatt-Bullman) So you didn't  
19      **have any press credentials for the organization that**  
20      **hired you that evening; is that correct?**

21            A.        Correct.

22            Q.        Okay.   Did Mr. Wheatley offer you press  
23      **credentials for the organization you were hired to**  
24      **represent that evening?**

25            A.        No.   And he himself did not have press

1 credentials.

2 Q. All right. So you said that you were  
3 with the officer for some time. What does "some  
4 time" mean?

5 A. I don't know precisely. So -- several  
6 minutes.

7 Q. Less than an hour, correct?

8 A. Yes.

9 Q. Less than 30 minutes?

10 A. Yes.

11 Q. Okay. And after -- what happened after  
12 you left that area?

13 A. I was taken into the street and made to  
14 stand in the street next to a police car for some  
15 time. Then I was transferred into the hands of other  
16 officers who led me onto a nearby street where I  
17 waited some more in various locations at their order.

18 Q. And how long do you believe you stood  
19 next to that police car?

20 A. I don't recall with precision. No.  
21 Some matter of minutes.

22 Q. Was your phone returned to your person  
23 at that time?

24 A. No.

25 Q. Okay. Let's see. At some point, your

1 cuffs were exchanged; is that correct?

2 A. Yes. Metal handcuffs were replaced  
3 with a plastic zip tie.

4 Q. Do you recall who placed those flex  
5 cuffs on you?

6 A. No. And I don't recall being able to  
7 see them as I was face down on the ground during the  
8 arrest, and all of the handcuffing went on behind my  
9 back. So I don't recall.

10 Q. So is it your testimony that the metal  
11 cuffs were exchanged for the flex cuffs while you  
12 were still laying on the ground?

13 A. I don't recall, at the moment, where  
14 that transpired in the series of events. I would  
15 refer to my written statement as my freshest memory  
16 of those events more than three years ago. I believe  
17 I reference the particular sequence in that document.

18 Q. So you said you stood behind a cop car  
19 for a little while and then you were taken to another  
20 location. What happened after that?

21 A. Again, for a stretch of time, I was  
22 ordered to stand with some other people who had been  
23 arrested in various locations, including the entrance  
24 to a parking garage on a sidewalk and in the street,  
25 as the officers tried to figure out what to do with

1 me, as no one seemed to know why -- why I had been  
2 arrested or what I was being charged with.

3 Q. Okay. Did you speak to any of the  
4 other arrestees?

5 A. No.

6 Q. So again, after that happened, what  
7 happened next?

8 A. I believe the next event was Officer  
9 Gruen approaching me and leading me a distance away  
10 from the other arrestees and chatting with me.

11 Q. How do you know it was Officer Gruen?

12 A. It was according to his name on his  
13 uniform.

14 Q. So he was wearing his nametag?

15 A. I don't recall what specific device had  
16 his name on it.

17 Q. Okay. And you said that he led you  
18 some distance away. What does "some distance" mean?

19 A. I don't recall a specific distance,  
20 but. At that point I recall most of the arrestees  
21 being along a sidewalk or edge of the street. And he  
22 led me into the street.

23 Q. Would it have been more than 10 feet  
24 away?

25 A. Approximately 10 feet to -- but it's

1 speculation. I really don't know.

2 Q. Okay. And what happened after he led  
3 you away from the group?

4 A. He said something to the effect of  
5 asking me what I had done to be arrested and  
6 suggesting I must have done something. And I said  
7 that that was not true; I had not committed any  
8 crime.

9 And he then became a bit more  
10 aggressive and said something to the effect that they  
11 can't unarrest me because that makes liability, and I  
12 said, "Nonetheless, I did not commit a crime."

13 And I believe, either during that  
14 conversation or sometime after is when he returned my  
15 phone to me, putting it in my shirt pocket.

16 Q. Okay.

17 A. Again, I would refer to my written  
18 statement as the most accurate recollection of his  
19 specific statements to me and the particular sequence  
20 of such things as returning the phone.

21 Q. Was your phone damaged in any way  
22 after -- between the time that the officer grabbed it  
23 and the time it was returned to you?

24 MR. WEBER: Object as to form. I can  
25 explain it.

1 He's not sure whether there were any  
2 deleted images in that because he construed it  
3 as damage to phone. That's all I'm saying.

4 Q. (By Ms. Wyatt-Bullman) As you sit here  
5 today, are you aware of any damage that was done to  
6 the phone you carried on your person on  
7 November 25th, 2014?

8 A. During the arrest sequence or at any  
9 time?

10 Q. During the arrest sequence.

11 A. No.

12 Q. Was your phone fully operational when  
13 it was returned to you?

14 A. Yes.

15 Q. No cracked screen? The screen was not  
16 cracked by Atlanta Police Department; is that  
17 correct?

18 A. Correct.

19 Q. And it was capable of taking images and  
20 recording videos; is that correct?

21 A. Correct.

22 Q. And it could be used for the purposes  
23 of making and receiving phone calls?

24 A. Yes.

25 Q. And you could still post to social

1 media or receive text messages on your phone after it  
2 was returned by APD; is that correct?

3 A. Correct.

4 Q. So to the best of your knowledge, there  
5 was no damage done to your cell phone that you  
6 carried on November 25th, 2014, by APD?

7 A. Not to the hardware, no.

8 Q. Did the officer who waved the hand in  
9 front of your camera ever tell you to stop taking  
10 photos?

11 A. No.

12 Q. Do you recall her issuing any order  
13 whatsoever?

14 A. No. Except -- well, not prior to the  
15 immediate arrest, when she told me, "You're under  
16 arrest. Get on the ground."

17 Q. Okay.

18 A. That was the first, and I believe only,  
19 order she gave me.

20 Q. Okay. And was her order to get on the  
21 ground made after the individual tapped you on the  
22 back and said, "Take this one"?

23 A. Yes.

24 Q. Okay. Okay. So back to the sequence  
25 of events, you said that Gruen returned the phone to



1     **you. What happened next?**

2             A.       I went back onto the -- to waiting with  
3     other arrestees. Again, I will refer to my written  
4     statement as the best recollection of specific  
5     sequences of events. But as I recall now, the other  
6     significant incident that took place at that site is  
7     when another officer approached me with what he -- a  
8     document he referred to as a ticket that he was  
9     attempting to fill out with my information. And he  
10    wanted my assistance with that on such matters as my  
11    name.

12            **Q.       Okay.**

13            A.       Yeah.

14            **Q.       Did you assist the officer in providing**  
15    **information necessary to complete the ticket?**

16            A.       Yes. However, he could not locate the  
17    arresting officer and did not know what I was being  
18    charged with, so it could not be completed. And  
19    there was much effort being made by the officers in  
20    the vicinity to locate my arresting officer. Because  
21    they did not know what to do with me and speculated  
22    freely on many different things that could happen,  
23    including going to jail, being released on a ticket,  
24    not being charged. And then charging me, but not  
25    knowing what to charge me with.

1 Q. Okay. So from the time -- let's see.  
2 After the officer who you alleged waved the hand in  
3 front of the camera asked you to get on the ground,  
4 okay? -- that stated you were under arrest and asked  
5 you to get on the ground, how long were you in her  
6 custody, after you were on the ground?

7 MR. WEBER: I object as to form.

8 "Custody" is a legal term.

9 THE WITNESS: I was going to ask if you  
10 could specify. I was traded amongst hands  
11 frequently, with and without her.

12 Q. (By Ms. Wyatt-Bullman) What I want to  
13 know is just about the officer that you are saying  
14 grabbed your phone and your arm, okay? How long were  
15 you in her presence?

16 A. I don't recall precisely. It was the  
17 period from the arrest to the time that I was led  
18 into the street to the -- stand next to the police  
19 car in the street.

20 Q. Would that have been more than an hour?

21 A. No.

22 Q. Would it have been more than 30  
23 minutes?

24 A. I'm not totally -- I don't know.

25 Q. Do you believe that you were in her

1 presence for more than 30 minutes?

2 A. I just don't know.

3 Q. Okay. From the time you were placed in  
4 handcuffs till the time you had the conversation with  
5 Officer Gruen -- the first conversation with Officer  
6 Gruen, how long was that time span?

7 A. I also can't say with any specifics.

8 Q. Was it longer than five hours?

9 A. No.

10 Q. Was it longer than an hour?

11 A. I don't know.

12 Q. Was it longer than three hours?

13 A. I don't think so.

14 Q. Let's see. So you were moved to  
15 another location, and the individual was attempting  
16 to complete the ticket. Do you know which officer  
17 was attempting to complete the ticket?

18 A. No.

19 Q. What happened next?

20 A. After some more waiting, with no clear  
21 answer as to what was going to happen to any of us, I  
22 and other people who had been arrested, were placed  
23 on a bus that appeared to be a prison -- prisoner  
24 transport-style bus. And we sat in the seats of the  
25 bus.

1 Q. Okay. How do you know it was a  
2 prisoner transport bus?

3 A. Again, it appeared to have secured  
4 windows and had a -- yeah, had secured windows and  
5 was attended to by police officers.

6 Q. Okay. Do you have very much experience  
7 with prisoner transport buses?

8 A. I do not.

9 Q. So it was just an assumption that the  
10 bus was a prisoner transport bus?

11 A. It was certainly an arrestee transport  
12 bus.

13 Q. That's what its purpose was that  
14 evening -- the evening of your arrest; is that  
15 correct?

16 A. Yes.

17 Q. Okay.

18 A. So that was most -- that was my  
19 assumption.

20 Q. So how long did you sit on the bus?

21 A. Again, I can't recall the specific  
22 period of time, and -- there were two periods of  
23 waiting on the bus as we sat for some time. The bus  
24 was then started and driven, but only through the  
25 intersection, and then stopped in front of the police

1 station, or precinct. And then we waited for another  
2 period of time that I cannot -- I don't recall  
3 specifically and had no method of timing.

4 Q. So after the bus was moved through the  
5 intersection, what happened next?

6 A. After the wait, we were -- I and most  
7 of the arrestees were moved into the police station.

8 Q. Okay. And what happened once you got  
9 inside the police station?

10 A. I was seated with a number of other  
11 arrestees in chairs, in a large room that had devices  
12 for bicycle storage, as well as various computers  
13 and -- and some desks. And again, a long period of  
14 waiting began.

15 Q. Okay. What happened next?

16 A. After a lengthy period of waiting, the  
17 officers began setting up -- kind of stations on a  
18 table and asked us to come up -- brought us up, one  
19 by one, and had us pose for photographs and took our  
20 possessions and placed them into bags.

21 Q. Okay. What happened after that?

22 A. I asked what this all was being done  
23 for, and the officers told me they didn't know, the  
24 photographer told me they didn't know. And we were  
25 then, after each, or most of us underwent that

1 procedure, we were seated back in the chairs.

2 Q. Okay. What happened after that?

3 A. After another period of time, Officer  
4 Gruen approached me again and individually asked me  
5 to step aside from the larger group to have a  
6 conversation with him.

7 Q. Okay. And what were the details of  
8 that conversation?

9 A. Again, I will refer to my written  
10 statement as my best and freshest recollection of  
11 exact words and sort of the sequence of the thoughts  
12 he was expressing. But in sum, he told me that they  
13 had decided to charge me with disorderly conduct  
14 obstruction. And I said, "Is that one charge or  
15 two"?

16 And he said, "It's one charge."

17 He then offered words to the effect  
18 that it is a bullshit charge and that if it were up  
19 to him, he would cut me loose, but that his  
20 lieutenant had ordered that I be charged. Which, of  
21 course, was astonishing and frightening.

22 He made comments to me which attempted  
23 to put him in a good light as one who had been kind  
24 to some of the other arrestees and at one point  
25 remarked that he probably shouldn't even be a police

1 officer. And I made a remark to the effect of, "You  
2 know, being kind to people sounds like you would be a  
3 good police officer."

4 And I asked him what was going to  
5 happen to me now that I had been charged. And he  
6 said that we would be taken to jail, but that I would  
7 be released on something called a signature bond that  
8 he presented as meaning I would immediately be  
9 released, in essence.

10 And after that conversation, he  
11 returned me to my seat.

12 Q. Okay. And then how long did you sit  
13 there for?

14 A. Again, I don't recall specific periods.  
15 We were all together in the room for a number of  
16 hours.

17 Q. Okay. What happened next?

18 A. Most of us were taken, including me,  
19 back outside and onto a bus, which took us to the  
20 jail.

21 Q. Which jail?

22 A. I am not sure of my specific  
23 terminology, but I believe it is -- I would defer to  
24 whatever the actual record says. I believe it's the  
25 city jail.

1           Q.       And what happened once you reached the  
2       city jail?

3           A.       We were seated in a room. Each of us  
4       had our photo taken again, and we were given a small  
5       meal. And we were informed, as I recall, by one of  
6       the jail officers that we were being bailed out  
7       virtually immediately by a group of good Samaritans,  
8       as it was put to us.

9           Q.       Okay. So did you actually enter into a  
10      cell at the Atlanta Detention Center?

11          A.       No.

12          Q.       Were you ever ordered to change out of  
13      your street clothes and into garments provided to you  
14      by the Atlanta Detention Center?

15          A.       No.

16          Q.       How long were you at the Atlanta  
17      Detention Center?

18          A.       Again, I don't know with precision, but  
19      I believe a number of hours. My particular release  
20      was extended by -- by my noticing that they had  
21      misspelled my name on the forms and had thus done  
22      background checks or whatever they were doing  
23      improperly, and so I had to be reprocessed.

24                    So I -- I'm not sure what that period  
25      of time was or how long it took. We were kept in one



1 room during the photography, and we were kept in a  
2 different room during that period.

3 Q. Okay. And when you were released, were  
4 your possessions returned to you?

5 A. Yes.

6 Q. Okay. So you left the Atlanta  
7 Detention Center --

8 A. I'm sorry. I take that back. The  
9 police had provided me with some of my possessions,  
10 but some were in the bag that they had gathered at  
11 the police station, and I had to get that later from  
12 a police facility elsewhere in the city.

13 Q. On Donald Lee Hollowell Parkway?

14 A. I believe so.

15 Q. And do you know when you went to go  
16 gather those possessions?

17 A. I don't recall.

18 Q. And when you retrieved your  
19 possessions, was your cell phone amongst those  
20 possessions that you received from the Donald Lee  
21 Hollowell facility?

22 A. I don't recall the status of my phone  
23 during that period. I don't recall.

24 Q. You don't recall if it was on your  
25 person or not?

1           A.       I would refer to my written statement  
2   and what I may have recollected in there at that  
3   time.

4                   At this moment, I do not recall the  
5   sequence of events and whether I maintained control  
6   of the phone after the police returned it to me or if  
7   they took it again.

8           Q.       And when you say "after they returned  
9   it to you," would that have been when Gruen put it in  
10   your shirt?

11          A.       Yes.

12          Q.       Okay.

13          A.       I just do not recall right now.

14          Q.       Given that information, I want to  
15   expand on a question I asked before. Because we  
16   talked about any damage to your phone before it was  
17   placed into your shirt. So now I want to know if  
18   there was any damage to your phone done between the  
19   time it was put in your shirt and between the time  
20   you picked up the remainder of your belongings at the  
21   Donald Lee Hollowell facility.

22          A.       No.

23          Q.       And you do not recall anything being  
24   deleted from your phone during that same time period;  
25   is that correct?

1 MR. WEBER: Objection as to form, I  
2 guess.

3 MS. WYATT-BULLMAN: You guess?

4 MR. WEBER: Yes, I guess. I mean, you  
5 already asked this question. But yeah.

6 MS. WYATT-BULLMAN: I think I'm just  
7 expanding the timeframe on it.

8 MR. WEBER: Okay.

9 THE WITNESS: I'm sorry, can you say  
10 the timeframe again? And what you mean by  
11 the --

12 Q. (By Ms. Wyatt-Bullman) Sure. So we  
13 talked earlier about the -- about you not having a --  
14 you not knowing whether or not that last photo you  
15 took, you actually took it, if that photo was  
16 completed, okay? So we're unsure about whether that  
17 photo was actually on your phone or not, okay?

18 Was anything else, at any point when  
19 your phone may have been in the possession of the  
20 Atlanta Police Department, deleted from your phone?

21 A. I don't know.

22 Q. So as you sit here today, can you state  
23 with any certainty any item that was deleted from  
24 your phone?

25 A. No.

1           Q.       Okay. Did you have to appear at court  
2 for the citation you were issued for your  
3 November 25, 2014 arrest?

4           A.       Yes.

5           Q.       And when did you appear?

6           A.       I don't recall the exact date. I,  
7 again, defer to my written statement. I defer to my  
8 written statement.

9           Q.       Okay. What happened when you went to  
10 court?

11          A.       The city attorney, or solicitor -- I'm  
12 not of the proper term -- requested a dismissal of  
13 the charge against me.

14          Q.       Okay. So the charges were not actually  
15 brought against you in court; is that correct?

16                   MR. WEBER: Objection as to form. The  
17 charges were brought against him.

18                   THE WITNESS: I was arrested and had to  
19 go to court. So I'm not sure -- I don't know  
20 the legal technicalities of that. I was  
21 arrested, held in a police station, held in a  
22 jail, had my possessions confiscated, had to  
23 go to court and had the charges dismissed only  
24 after political pressure on the mayor's  
25 office. So I don't know what the legal

1 technicalities of that are, but that's what  
2 happened to me.

3 Q. (By Ms. Wyatt-Bullman) How do you know  
4 the charges were dismissed as a result of political  
5 pressure on the mayor?

6 A. Consequent -- after -- it happened  
7 after calls to the mayor's office from my publisher  
8 and -- that I know of.

9 Q. But how do you know those phone calls  
10 had any effect on whether or not your charges were  
11 dismissed?

12 A. I don't know.

13 Q. Okay. So that's an assumption on your  
14 part; is that correct?

15 A. Yes. I never had a conversation with  
16 the city attorney.

17 Q. Okay. Did you have any conversations  
18 with the mayor?

19 A. No.

20 Q. So you're just -- the statement about  
21 "political pressure" is an assumption?

22 A. I do recall hearing from the editor of  
23 the paper that they had been given a heads-up that  
24 the charge would be dismissed.

25 Q. And when did you get that heads-up?

1 A. I don't recall.

2 Q. Obviously prior to you going to court,  
3 correct?

4 A. Yes, or perhaps when I was in court.

5 Q. And which editor would that have been?

6 A. That was Debbie Michaud.

7 Q. And which paper is she with?

8 A. That's "Creative Loafing." I don't  
9 recall her exact editorial title there, but she was  
10 in essence the editor at that time.

11 Q. Did any APD personnel that you named in  
12 your complaint participate in the hearing regarding  
13 your ticket?

14 A. I don't recall. It was a -- there were  
15 several cases being handled essentially  
16 simultaneously. And I don't know who all was in the  
17 room.

18 Q. Okay. Well, do you recall Chief  
19 Spillane being present at the hearing on your ticket?

20 A. I don't recall. I don't know.

21 Q. Do you have -- as you sit here today,  
22 do you have any knowledge that Chief Spillane was  
23 present at the hearing for your ticket?

24 A. No.

25 Q. As you sit here today, do you have any

1 knowledge that Officer Gruen was present for the  
2 hearing on your ticket?

3 A. No.

4 Q. As you sit here today, do you have any  
5 knowledge that Sergeant McKenzie was present for the  
6 hearing on your ticket?

7 A. No.

8 Q. As you sit here today, do you have any  
9 knowledge that Deputy Chief Bryant was present for  
10 the hearing on your ticket?

11 A. No.

12 Q. As you sit here today, do you have any  
13 knowledge that Officer Brown was present on the  
14 hearing for your ticket?

15 A. No.

16 Q. As you sit here today, do you have any  
17 knowledge that Major Whitmire was present for the  
18 hearing on your ticket?

19 A. No.

20 Q. Do you know who Deputy Chief Rodney  
21 Bryant is?

22 A. Yes.

23 Q. Who is it?

24 A. Just that he's deputy chief.

25 Q. Deputy chief of what?

1 A. The Atlanta Police Department.

2 Q. What role did Deputy Chief Rodney  
3 Bryant play in your arrest?

4 A. I don't know --

5 Q. As you sit here today, do you have any  
6 information --

7 A. -- directly.

8 Q. Do you have any information -- let me  
9 ask this a different way.

10 What facts do you have that show that  
11 Deputy Chief Rodney Bryant had any role in your  
12 arrest?

13 A. That I personally have? None.

14 Q. What role did Deputy Chief Rodney  
15 Bryant have in your detention?

16 A. None that I'm aware of.

17 Q. What role did Deputy Chief Rodney  
18 Bryant have in your prosecution?

19 A. I don't know.

20 Q. Do you have any knowledge that Deputy  
21 Chief Rodney Bryant had any involvement in your  
22 prosecution?

23 A. I'm sorry -- can you rephrase the  
24 question?

25 Q. Do you have any --



1 A. Or repeat the question, rather.

2 Q. Do you have any knowledge regarding any  
3 role that Deputy Chief Rodney Bryant played in your  
4 prosecution?

5 A. No.

6 Q. Did you have any interaction with  
7 Deputy Chief Rodney Bryant on November 25th or 26th  
8 of 2014?

9 A. I don't recall.

10 Q. Do you believe Deputy Chief Rodney  
11 Bryant played any role in any of the facts or  
12 circumstances surrounding the events that occurred to  
13 you on November 25th, 2014?

14 A. Yes, in terms of setting and directing  
15 Atlanta police policy, that included not properly  
16 training officers on First and Fourth Amendment  
17 rights.

18 Q. And what information do you have that  
19 supports that statement?

20 A. That is on advice from my attorneys.

21 Q. Do you have any independent knowledge  
22 that Deputy Chief Rodney Bryant was responsible for  
23 training Atlanta police force?

24 A. No.

25 Q. Do you have any independent knowledge

1 that Deputy Chief Rodney Bryant had any response to  
2 any officers or had any responsibility for any  
3 officers that were present on November 25th, 2014, in  
4 response to the Ferguson protest?

5 A. No.

6 Q. So any information that you have about  
7 Deputy Chief Rodney Bryant came from your attorneys?

8 A. No. I have heard the name in news  
9 stories and in command structures previously. But in  
10 terms of this specific case, yes.

11 Q. Was Deputy Chief Rodney Bryant present  
12 when you were booked?

13 A. Can you clarify what you mean?

14 Q. Sure.

15 A. The police station and/or the jail?

16 Q. Was Deputy Chief Rodney Bryant present  
17 when you were at the Zone 5 precinct?

18 A. I don't know.

19 Q. If we walked Deputy Chief Rodney Bryant  
20 into this room with a crowd of people, would you be  
21 able to pick him out?

22 A. I think so.

23 MR. WEBER: Can we go off the record  
24 for a second?

25

1 (Thereupon an off-the-record discussion  
2 was had.)

3 MR. WEBER: The witness identified  
4 Debbie Michaud who was an editor of the paper.  
5 I had not heard her name until today so, you  
6 know, we will supplement our written discovery  
7 and include her name. But I hadn't heard her  
8 name until now, so . . .

9 MS. WYATT-BULLMAN: Okay. Fair enough.

10 Q. (By Ms. Wyatt-Bullman) Do you know who  
11 Deputy Chief Joseph Spillane is?

12 A. Very generally, yes.

13 Q. What role did Deputy Chief Spillane  
14 play in your arrest?

15 A. The only knowledge I have is on the  
16 advice of my attorneys as reflected in the complaint.

17 Q. Okay. Do you have any -- do you have  
18 any personal knowledge of the role that Deputy Chief  
19 Spillane played in your arrest?

20 A. No.

21 Q. Do you have any personal knowledge of  
22 the role that Deputy Chief Spillane may have played  
23 in your detention?

24 A. No.

25 Q. Do you have any personal knowledge of

1     what role Deputy Chief Spillane may have played in  
2     your prosecution?

3             A.       No.

4             Q.       Did you have any interaction with  
5     Deputy Chief Spillane on November 25th or 26th of  
6     2014?

7             A.       I don't know. I don't recall.

8             Q.       Was Deputy Chief Spillane present at  
9     your hearing for the citation that you received on  
10    November 25th, 2014?

11            A.       I don't know.

12            Q.       Do you know who Officer Brown is?

13            A.       Yes.

14            Q.       Who is Officer Brown?

15            A.       He was the officer who assisted the  
16    arresting officer in arresting me in this incident.

17            Q.       And what type of assistance did he  
18    provide?

19            A.       He stood by her maintaining custody,  
20    holding my arm and joined in the -- you know, just  
21    sort of listening to our questions as to "what are  
22    the charges" and not -- and not answering that.

23            Q.       Do you believe that Officer Brown was  
24    your arresting officer?

25            A.       I don't -- I don't know what that means

1 technically, I guess. He was the -- involved in my  
2 arrest, I would say, yes. I don't know what -- the  
3 arresting officer that they were seeking that night  
4 was identified as McKenzie.

5 Q. What role did Officer Brown play in  
6 your detention?

7 A. I don't know.

8 Q. What role did Officer Brown play in  
9 your prosecution?

10 A. I don't know.

11 Q. Was Officer Brown present at your  
12 hearing on November -- for the November 25th ticket?

13 A. I don't know.

14 Q. Was Officer Brown present when you went  
15 through intake at the Atlanta Detention Center?

16 A. I don't know.

17 Q. Okay. Do you know who Officer Gruen  
18 is?

19 A. Yes.

20 Q. What role did Officer Gruen play in  
21 your arrest?

22 A. Can you specify what you mean by  
23 "arrest" in this situation?

24 Q. Well, in your complaint, you accused  
25 Officer Gruen of unlawfully arresting you. So how?

1     **How did he do that?**

2             A.       So it was -- initially, having the  
3     conversation with me, making it clear that he was  
4     holding me while not knowing what my charges were and  
5     suggesting that I had to tell him what to charge me  
6     with, essentially. And then later at the police  
7     station, plainly telling me that the charge against  
8     me was untrue, but he was going to continue with it  
9     anyway.

10            Q.       Based on your interaction with Officer  
11     Gruen, do you believe that Officer Gruen made a  
12     decision to arrest you?

13                   MR. WEBER: Object as to form.

14                   THE WITNESS: I'm sorry. Can you  
15     specify what you mean by "arrest me" in this  
16     sense means?

17                   MR. WEBER: And my objection was just,  
18     the way you phrased it, there's only a single  
19     person who can be the causative factor, rather  
20     than multiple persons being the moving force  
21     for an action.

22            Q.       (By Ms. Wyatt-Bullman) You've named  
23     every single defendant -- you've charged all of them  
24     for unlawful arrest. So I want to know what each of  
25     them did to unlawfully arrest you.

1 MR. WEBER: I understand.

2 Q. (By Ms. Wyatt-Bullman) So what did  
3 Officer Gruen do to unlawfully arrest you?

4 A. Again, my understanding being that the  
5 arrest was that entire period that I was being held,  
6 before charge, he held me while not knowing the  
7 charge, and meanwhile telling me that there was not a  
8 valid charge against me.

9 Q. Based on your conversations with  
10 Officer Gruen, do you believe that any of that was  
11 his own personal decision?

12 MR. WEBER: Object as to form.

13 THE WITNESS: Yes.

14 Q. (By Ms. Wyatt-Bullman) You believe that  
15 Officer Gruen had the ability to just release you?

16 A. I believe he had the ability to object  
17 to his superiors and refused to carry out an unlawful  
18 command.

19 Q. What role did Officer Gruen play in  
20 your detention?

21 A. Can you define "detention" in this --

22 Q. Well, again, you have accused Officer  
23 Gruen of unlawfully detaining you, so what did he do  
24 to support that allegation?

25 MR. WEBER: Objection as to form.

1 THE WITNESS: Again, keeping me, with  
2 knowledge that there was not a valid charge  
3 against me within the police station where he  
4 appeared, from his one-on-one interaction with  
5 me and with some other arrestees, or he  
6 appeared to have some sort of leadership  
7 position.

8 Q. (By Ms. Wyatt-Bullman) Okay. What role  
9 did Officer Gruen play in your prosecution?

10 A. I don't know.

11 Q. Was Officer Gruen present when you went  
12 through intake at the Atlanta Detention Center?

13 A. I don't think -- I don't know.

14 Q. Okay. Was Officer Gruen present at the  
15 hearing for your citation that you received on  
16 November 25th, 2014?

17 A. I don't know.

18 Q. What role did Major Whitmire play in  
19 your arrest?

20 A. Again, you know, I referred him the --  
21 the complaint and the advice of my attorneys  
22 afterwards, that he directed my arrest.

23 Q. So it's your understanding that Major  
24 Whitmire is the individual who ordered you to be  
25 arrested?



1           A.       Yeah. That's my understanding, on  
2    advice.

3           Q.       Okay. You have no independent  
4    recollection of that or independent knowledge of  
5    that?

6                   MR. WEBER: Objection as to form.

7                   THE WITNESS: Correct.

8           Q.       (By Ms. Wyatt-Bullman) Well, let me  
9    clarify the question. Do you have any independent  
10   knowledge that Major Whitmire played any role in your  
11   arrest?

12          A.       No.

13          Q.       Do you have any independent knowledge  
14   that Major Whitmire played any role in your  
15   detention?

16                   MR. WEBER: Object as to form. I mean,  
17   you're using a legal terminology of  
18   "detention."

19                   MS. WYATT-BULLMAN: Well, that is what  
20   was in the complaint.

21                   MR. WEBER: The complaint has facts and  
22   law, sure.

23                   MS. WYATT-BULLMAN: I'm just trying to  
24   flush out the complaint.

25                   MR. WEBER: I don't think you can do

1 the question any better. I'm just preserving  
2 my objection. Because it's an improper  
3 question.

4 But go ahead.

5 THE WITNESS: I'm sorry. Could you  
6 repeat?

7 Q. (By Ms. Wyatt-Bullman) Do you have any  
8 independent knowledge of any role that Major Whitmire  
9 played in the events that lead up to your complaint?

10 A. No.

11 Q. Was Major Whitmire present at the  
12 hearing for the citation you received on  
13 November 25th, 2014?

14 A. I don't know.

15 Q. Please list all facts that support your  
16 claim for unlawful detention.

17 MR. WEBER: Object as to form.

18 THE WITNESS: I was arrested for  
19 attempting a First Amendment activity,  
20 unconstitutionally and illegally. And thus  
21 everything the police did for me -- to me  
22 thereafter, was unlawful.

23 Q. (By Ms. Wyatt-Bullman) Okay. And who  
24 did those things?

25 A. Every officer involved.

1 Q. And who are those officers?

2 A. I refer to the -- to those named in my  
3 complaint, and there were many others who were not  
4 identifiable.

5 Q. So to support your allegation for  
6 unlawful detention, you're just referring to your  
7 complaint?

8 A. I gave my answer and I refer to the  
9 complaint for the list of names that you requested.

10 Q. Did you prepare your complaint?

11 A. My attorneys prepared the legalistic  
12 language of the complaint.

13 Q. And you said that you had a  
14 Constitutional violation. How do you know you had a  
15 Constitutional violation?

16 A. Because I was on a sidewalk in Atlanta,  
17 Georgia, U.S. of A., and there's a First Amendment  
18 right to take a photograph without an arrest.

19 Q. And you believe that that is the reason  
20 that you were arrested?

21 A. It's the -- yes. It's the reason that  
22 officer grabbed me.

23 Q. And how do you know that was the reason  
24 that the officer grabbed you?

25 A. From her actions.

1 Q. What actions?

2 A. Blocking me from taking the photograph  
3 and grabbing me while I was taking the photograph  
4 without saying a word.

5 Q. And that all occurred within seconds of  
6 you reaching that area; is that correct?

7 A. Yes.

8 Q. Okay. And have you had any legal  
9 training regarding Constitutional rights?

10 A. Yes.

11 Q. When?

12 A. It was part of my brief time in law  
13 school. And I've also had college courses addressing  
14 media rights and media law.

15 Q. And do you hold any degrees or licenses  
16 in regard to the practice of law?

17 A. No. I do not.

18 Q. Do you believe that being a reporter  
19 allows you to break the law?

20 A. No.

21 Q. Can you please list for me all facts  
22 that support your claim for unlawful arrest.

23 A. A police officer physically blocked me  
24 from taking a photograph on a public sidewalk while I  
25 was acting as a journalist and as a citizen of the

1 U.S. and subsequently arrested me.

2 Q. Can you please list for me all facts  
3 that support your claim for malicious prosecution.

4 MR. WEBER: Object as to form.

5 THE WITNESS: Again, that's a legal  
6 definition that I am not sure how to answer  
7 that.

8 Q. (By Ms. Wyatt-Bullman) As you sit here  
9 today, do you have any personal knowledge of any  
10 information regarding what you allege to be malicious  
11 prosecution?

12 A. I do not have a legal understanding. I  
13 don't have an understanding of the legal definition  
14 of that term.

15 Q. Okay. Was any of your property damaged  
16 during your arrest?

17 A. Not to my knowledge. I guess reserving  
18 the possibility of the deletion of photos, but --

19 Q. Of one photo, correct?

20 A. Or perhaps others. I just don't know.  
21 I just don't know.

22 Q. As you sit here today, do you have any  
23 knowledge of any photos, with 100 percent accuracy,  
24 that the Atlanta Police Department deleted from your  
25 phone?

1 A. No.

2 Q. Were you injured during the protest?

3 A. Does that include the arrest?

4 Q. Well, I want the whole gamut. On  
5 November 25th, 2014, were you injured in any way?

6 A. Yes.

7 Q. In what way were you injured?

8 A. After being arrested, I was held for a  
9 long period of time, tightly handcuffed, leaving my  
10 wrists marked and my shoulder sore and popping for a  
11 number of days thereafter.

12 Q. Which shoulder was popping?

13 A. I believe it was my left shoulder. I  
14 will refer to my written statement as my best  
15 recollection of facts at that time and particular  
16 time periods that that feeling continued.

17 Q. And how long did that feeling continue?

18 A. It stopped after a matter of -- within  
19 a month, would be safe to say.

20 Again, I refer to my written statement  
21 as my best recollection of the facts at that time.

22 Q. So your left-shoulder injury resolved  
23 within a month of your arrest?

24 A. Yes. Again, I refer to my written  
25 comment --

1 Q. I understand that.

2 MR. WEBER: You have to let him finish  
3 his response.

4 THE WITNESS: I refer to my written  
5 statement as my best recollection, to put  
6 together location of injuries and their  
7 duration.

8 Q. (By Ms. Wyatt-Bullman) And I understand  
9 that. I'm still allowed to ask the question.

10 And you said your hands were cuffed  
11 tightly. Did you ever tell an officer that your  
12 hands were cuffed tightly?

13 A. No.

14 Q. So at no point during the entire time  
15 that you were in handcuffs, did you alert any officer  
16 that you were handcuffed tightly?

17 A. No. I was terrified to talk to any of  
18 those officers.

19 Q. Did you make any -- did you relay any  
20 information to any officer that would provide an  
21 officer with an indication that you might have been  
22 injured?

23 A. No.

24 Q. As you sit here today, do you believe  
25 that there is any way the Atlanta Police Department

1 would have known that you believed you were injured  
2 during your arrest?

3 MR. WEBER: Object as to form.

4 THE WITNESS: Yes. They knew they were  
5 holding me tightly handcuffed for an extended  
6 period of time. Hours.

7 Q. (By Ms. Wyatt-Bullman) How did they  
8 know that you were handcuffed tightly?

9 A. Because they did it. And it is common  
10 sense that having someone's arms pinned behind their  
11 back for hours is painful and potentially injurious  
12 with extended -- it's quite foreseeable that that  
13 does damage.

14 Q. Do you have any training as an officer  
15 of the law?

16 A. No.

17 Q. Have you ever handcuffed anyone before?

18 A. No.

19 Q. Have you ever received any tutorial on  
20 how to handcuff any individual?

21 A. No.

22 Q. Would it be accurate to say that any  
23 assumptions that you make about police knowledge  
24 would be just assumptions?

25 MR. WEBER: Form.



1 THE WITNESS: Not about arms being  
2 pinned behind your back being painful, no.  
3 That doesn't require specialized police  
4 knowledge. It's just common sense and  
5 courtesy.

6 Q. (By Ms. Wyatt-Bullman) And I understand  
7 your perception of the situation. I understand that  
8 you have your own perception of the situation. But  
9 I'm asking about police officer knowledge. Do you  
10 have any training that would provide you with the  
11 knowledge and understanding of a police officer, as  
12 to how to cuff an individual?

13 A. No.

14 Q. I'm going to pass you some photographs,  
15 and we're going to mark them as Exhibit 9.

16 (Exhibit 9 was marked for  
17 identification.)

18 MR. WEBER: Alisha, what was eight?

19 MS. WYATT-BULLMAN: Eight was the  
20 diagram.

21 MR. WEBER: Gotcha.

22 Q. (By Ms. Wyatt-Bullman) Are you ready?

23 A. Yeah.

24 Q. Okay, great. Do you recognize the  
25 photographs that are in Defendant's Exhibit 9?

1 A. Yes.

2 Q. Did you take them?

3 A. Yes.

4 Q. When did you take them?

5 A. I don't recall the specific time.

6 Shortly after my arrest. I refer to my written  
7 statement, which may be more -- give a more specific  
8 recollection.

9 Q. Let's look at your written statement.  
10 I believe it's Exhibit 2.

11 Can you show me where in Exhibit 2 it  
12 states when you took the photographs that we have  
13 identified as Defendant's Exhibit 9?

14 A. As I refer to the last full paragraph  
15 of the statement to "Wrists remaining red from the  
16 cuffs for about 24 hours." So these photographs  
17 would have been taken in that period of early on the  
18 day following the arrest.

19 Q. So you believe that these photographs  
20 were taken on November 26, 2014?

21 A. I believe so, yes.

22 Q. Could you do me a favor? On the copy  
23 that you have, you can take that pen there and circle  
24 the marks that you state were caused by the cuffs.

25 A. Oh. On each photo or one?

1 Q. Let's start with 552.

2 A. This particular area here, and --  
3 primarily that (indicating).

4 Q. And if you could just put your initials  
5 by the marks you made.

6 A. (Witness complies.)

7 Q. Perfect. And on the next photo, can  
8 you please circle the marks you're alleging the cuffs  
9 made.

10 A. (Witness complies.)

11 Q. Now, I have some questions about this.

12 A. This is where I was -- this is the main  
13 area of binding, and this is slipping them down.

14 Q. What I'm trying to understand is,  
15 there's sort of a red square --

16 A. Well, in this area here (indicating),  
17 this is the plastic --

18 Q. Wait. So I'm trying to understand --  
19 there seems to be a red square within the box -- the  
20 large box that you drew on 552. And then there  
21 appears to be less red, you know -- and this just  
22 might be the copy. But it just appears that your  
23 skin tone in general tends to have like a pinkish  
24 tone in this photograph.

25 So with more specificity, can you

1     **circle --**

2                     MR. WEBER: You want him to circle --

3                     MS. WYATT-BULLMAN: Yes. The actual  
4                     red mark.

5                     THE WITNESS: So it's more circling  
6                     specifics.

7                     Q.        (By Ms. Wyatt-Bullman) All right. And  
8     if you could do that on the next photo as well, that  
9     would be very helpful.

10                    A.       (Witness complies.)

11                    Q.       Wonderful. Thank you so much.

12                    A.       I think this is just an out-of-focus  
13     version.

14                    Q.       Don't hand them back to me.

15                             Did you seek -- thank you for circling  
16     the red marks on your arms in Exhibit 9.

17                             Did you seek any professional medical  
18     care for any injuries you received as a result of  
19     your arrest by the Atlanta Police Department?

20                    A.       No.

21                    Q.       On the night of your arrest, did you  
22     notify anyone within APD in any way that you were  
23     injured?

24                    A.       No.

25                    Q.       Okay. Have you sought any mental

1 health treatment as a result of your arrest?

2 A. No.

3 Q. As a result of your arrest, did you  
4 lose any income?

5 A. No.

6 Q. You indicated earlier that you had some  
7 credentials in your wallet. I believe you said it  
8 was a laminated card. What would you have used those  
9 credentials for?

10 A. They are rarely used at all, but it  
11 would be typically for identifying yourself to gain  
12 access to a private meeting or something along those  
13 lines.

14 Q. Okay. And you also indicated -- we  
15 talked a lot about whether or not you completed the  
16 photo you were attempting to take at the time of your  
17 arrest. What do you mean by "complete the photo"?

18 A. Simply whether I was able to hit the  
19 shutter button or not.

20 Q. So as you sit here today, you're  
21 unable -- you cannot remember whether or not you  
22 actually pressed the button to take the photo?

23 A. Correct. I attempted. I don't know if  
24 I achieved it.

25 Q. Okay. Do you know approximately how

1 many photos you took before you were arrested?

2 A. No.

3 Q. Did you record any videos prior to your  
4 arrest?

5 A. I don't believe so. I refer to  
6 whatever we provided in discovery. I provided all  
7 images in my possession. But I do not believe that I  
8 was shooting video.

9 Q. How long were you in the area where you  
10 were arrested prior to your arrest?

11 A. I'm not -- I'm not sure, but -- a few  
12 minutes.

13 Q. More than five?

14 A. Probably not.

15 Q. Okay. Less than three?

16 A. I don't know.

17 Q. Okay. Less than five, though?

18 MR. WEBER: You have to give an answer.

19 THE WITNESS: Yeah. I don't recall  
20 specifically. Not a long period of time.

21 Q. (By Ms. Wyatt-Bullman) Okay. Prior to  
22 your arrest, did you know Officer Gruen?

23 A. No.

24 MS. WYATT-BULLMAN: If you'll give me a  
25 minute, I'm going to boot up my computer, and

1 I want to show you a video. And we are going  
2 to enter the video onto the record as  
3 Exhibit 10.

4 (Exhibit 10 was marked for  
5 identification.)

6 MS. WYATT-BULLMAN: There is no audio  
7 on the video, but I will e-mail the video to  
8 the court reporter, as soon as I get back to  
9 the office, and I will make sure I cc your  
10 counsel on the e-mail, and then the court  
11 reporter will attach it as an exhibit to the  
12 record.

13 MR. WEBER: This is, I'm assuming, what  
14 we've all already seen?

15 MS. WYATT-BULLMAN: Yes. You've listed  
16 him as a witness, so --

17 MR. WEBER: I just don't know what  
18 you're seeing.

19 MS. WYATT-BULLMAN: We can go off the  
20 record while this takes a minute.

21 (Thereupon an off-the-record discussion  
22 was had.)

23 Q. (By Ms. Wyatt-Bullman) Mr. Ruch, this  
24 is the best device I have to show this on, at this  
25 point. And we can move it as we need to.

1                   What I'd like you to do is watch the  
2     video all the way through, and then we can play it as  
3     many times as we need to. But I believe you are in  
4     the video, and to the extent you're able to identify  
5     yourself, that's ultimately the goal, all right?

6                   Let me know when you're ready.

7           A.       Yeah.

8           Q.       Can you see the screen? Do I need to  
9     tilt in any way?

10          A.       I can see it.

11          Q.       Perfect. There is no audio.

12                   (Video played.)

13          Q.       (By Ms. Wyatt-Bullman) Were you able to  
14     see yourself in the video?

15          A.       Yes.

16          Q.       Okay.

17                   MS. WYATT-BULLMAN: Now, I believe I  
18     know -- I would like to put on the record that  
19     this is the video that we received from -- is  
20     it American Drone Industries? -- that  
21     plaintiffs list as a witness.

22          Q.       (By Ms. Wyatt-Bullman) And this might  
23     work better if I get on your side. I apologize for  
24     my closeness.

25                   I'm going to start the video at -- I'm



1 going to start the video at timestamp 3:33. And let  
2 me know when you see yourself.

3 A. I see myself there.

4 Q. Okay. Where are you? And I've stopped  
5 the video at timestamp 3:41.

6 A. This is me entering from here.

7 Q. So you are in the lower right-hand  
8 corner of the video next to a gentleman in an orange  
9 or red shirt; is that correct?

10 A. Correct.

11 Q. All right. And you entered -- when we  
12 stopped at that previous timestamp, you were standing  
13 in the street; is that correct?

14 A. No. I was walking.

15 Q. In the street?

16 A. Yes.

17 Q. Okay. I'm going to play it again. Do  
18 you see yourself in the video at timestamp 3:57?

19 A. Yes.

20 Q. Where are you at?

21 A. (Indicating.)

22 Q. So you've moved towards the upper  
23 right-hand side of the frame? And where are you  
24 standing at timestamp 3:57?

25 A. On the sidewalk.

1           Q.       And just prior to timestamp 3:57, where  
2       were you at?

3           A.       Stepping from the sidewalk into the  
4       street back onto the sidewalk.

5           Q.       Okay. And do you recognize anyone else  
6       in this frame?

7           A.       Not to -- you know, I can't see that.

8           Q.       Why did you move from one location on  
9       the sidewalk into the street and then to another  
10      location on the sidewalk?

11          A.       To proceed farther ahead to where I  
12      assumed the main protest was continuing.

13          Q.       So your intent was to bypass all of  
14      these individuals and continue to walk on the  
15      sidewalk?

16          A.       To document what they were doing and  
17      then, yes, proceed to where I believed the protest  
18      was occurring on the -- further up the sidewalk.

19          Q.       Do you see this gentleman just inside  
20      the street in the upper right-hand portion of the  
21      sidewalk?

22          A.       Yes.

23          Q.       Or the upper right-hand portion of the  
24      screen? Do you see what he has in his hand?

25          A.       It appears to be a bullhorn or

1 megaphone.

2 Q. And do you believe that that's the  
3 individual who tapped you on the back, just prior to  
4 your arrest?

5 A. Yes.

6 Q. All right. I'm going to continue  
7 playing. Just a second.

8 I'm starting it from timestamp 3:55.  
9 Do you see Officer McKenzie in that frame at  
10 timestamp 3:59?

11 A. So just looking at the still image, I'm  
12 not even sure where I am.

13 Q. I know it's hard. You're behind the  
14 tree. Let's back it up again.

15 MR. WEBER: We've had the same  
16 struggle. It's hard to see that one area.

17 Q. (By Ms. Wyatt-Bullman) This is you  
18 (indicating), correct?

19 A. Yes.

20 Q. Let's watch it one more time.

21 A. Yes. I believe that's Officer  
22 McKenzie.

23 Q. You're able to see Officer McKenzie in  
24 front of you at timestamp 3:59; is that correct?

25 A. I don't know.

1 Q. You don't know? Can you see --

2 A. I don't know what I was able -- I'm  
3 sorry. You mean looking at the video?

4 Q. Yes.

5 A. Sorry. I believe that to be her, yes.

6 Q. So at timestamp 3:59, you believe  
7 Officer McKenzie is standing in front of you?

8 A. Yes.

9 Q. Let me back it up. At timestamp 3:55,  
10 you're stepping off of the sidewalk; isn't that  
11 correct? Let's go back.

12 A. Yes.

13 Q. Okay. So the time that you step off  
14 the sidewalk to move around the crowd from the time  
15 that Officer McKenzie is in front of you is four  
16 seconds; is that correct?

17 A. Yes.

18 Q. And at timestamp 4:00, do you see Major  
19 Whitmire tapping your back?

20 A. He appears to be doing that, yes.

21 Q. So from the time McKenzie enters in  
22 front of you; from the time Whitmire taps your back,  
23 it's approximately one second?

24 A. Yes.

25 Q. I'm going to move the video back to

1 3:50. If you could find yourself.

2 A. (Indicating.)

3 Q. Okay. Do you see your phone in your  
4 hand at timestamp 3:59? It's easier to look at in  
5 motion.

6 A. I can't see anything.

7 Yes.

8 Q. Do you see the distance that Officer  
9 McKenzie was from you at that time? Let me back it  
10 up one more time.

11 Does it appear that she's further away  
12 from you than eight-and-a-half inches?

13 A. I -- I don't know. I can't say.

14 MR. WEBER: At this point, I'd say we  
15 have to let the video speak for itself because  
16 there are some questions about how much you  
17 can see on that video.

18 MS. WYATT-BULLMAN: No, I completely  
19 understand.

20 Q. (By Ms. Wyatt-Bullman) I do want to get  
21 one more thing down.

22 So starting at timestamp 3:55, are you  
23 the individual who steps off the sidewalk into the  
24 street and then moves back onto the sidewalk with a  
25 hat on?

1 A. Yes.

2 Q. Perfect. I think that's all I have for  
3 the video. Let me look at my notes.

4 (Pause in proceedings.)

5 Q. (By Ms. Wyatt-Bullman) How far were you  
6 from the arrest that you were attempting to  
7 photograph just prior to Sergeant McKenzie  
8 apprehending you?

9 A. I don't know exactly. I would say in  
10 the six to 10-foot range.

11 Q. And why were you walking back onto the  
12 sidewalk at that location?

13 A. To proceed up the street to catch up to  
14 the main protest. And, you know, to essentially  
15 continue reporting.

16 Q. Did Officer McKenzie leap in front of  
17 you prior to your arrest?

18 A. She, yes, moved towards me rapidly.

19 Q. In the one second that you were still  
20 on the sidewalk, you were able to, according to your  
21 statement, maintain an angle for the photograph,  
22 observe someone waving their hand in front of your  
23 camera, refocus your camera, attempt to pivot in  
24 order to regain the sight -- the sight of the image  
25 you were attempting to photograph, and witness

1     Officer -- or Sergeant McKenzie leap in front of you.

2     Is that accurate?

3             A.       Yes.

4             MS. WYATT-BULLMAN: I don't think I  
5     have anything else.

6             Do you have anything?

7             MR. WEBER: Two clarifications that  
8     will take less than a minute.

9             MS. WYATT-BULLMAN: Let me step out for  
10    a second.

11            (Pause in proceedings.)

12            MS. WYATT-BULLMAN: Mr. Ruch, I don't  
13    have any further questions at this time.

14

15                               EXAMINATION

16    BY MR. WEBER:

17            Q.       And, John, I think I just have a  
18    couple.

19                    If you could look at Exhibit D7 --  
20    there you go. For any of the photographs that are in  
21    Exhibit D7, did you observe any officers observing  
22    you as you took those photographs?

23            A.       No.

24            Q.       And do any of those photographs involve  
25    a police officer making an arrest?

1 A. No.

2 MR. WEBER: No further questions.

3 MS. WYATT-BULLMAN: I have one  
4 followup.

5

6 FURTHER EXAMINATION

7 BY MS. WYATT-BULLMAN:

8 Q. Did you observe Sergeant McKenzie  
9 observing you, prior to the alleged hand waving?

10 A. No.

11 MS. WYATT-BULLMAN: That's all I have.

12 THE REPORTER: And I think you guys  
13 like paper and electronic?

14 MS. WYATT-BULLMAN: I'll just take an  
15 electronic this time.

16 MR. WEBER: Yes. We only want  
17 electronic as well.

18 (Pursuant to Rule 30(e) of the Federal  
19 Rules of Civil Procedure and/or O.C.G.A.  
20 9-11-30(e), signature of the witness has been  
21 reserved.)

22

23 (Thereupon, the deposition was  
24 concluded at 2:25 p.m.)

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C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing deposition was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction, that the preceding pages represent a true and correct transcript of the evidence given by said witness.

I further certify that I am not of kin or counsel to the parties in the case, am not in the regular employ of counsel for any of said parties, nor am I in any way financially interested in the result of said case.

Dated this 20th day of April, 2018.



ANTHONY D. LORENZ, CCR-B-2022  
RDR-CRR

DISCLOSURE OF NO CONTRACT

I, Anthony D. Lorenz, do hereby disclose pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia that Elizabeth Gallo Court Reporting, LLC was contacted by the party taking the deposition to provide court reporting services for this deposition, and there is no contract which is prohibited by O.C.G.A. 15-41-37(a) and (b) or Article 7.C of the Rules and Regulations of the Board for the taking of this deposition.

There is no contract to provide court reporting services between Elizabeth Gallo Court Reporting, LLC or any person with whom Elizabeth Gallo Court Reporting, LLC has a principal and agency relationship nor any attorney at law in this action, party to this action, party having a financial interest in this action, or agent for an attorney at law in this action, party to this action, or party having a financial interest in this action. Any and all financial arrangements beyond our usual and customary rates have been disclosed and offered to all parties.

Dated this 20th day of April, 2018.



Anthony D. Lorenz, CCR-B-2022  
Elizabeth Gallo Court Reporting, LLC

1 CASE: John Ruch vs City of Atlanta, et al.

2 NAME OF WITNESS: John Ruch

3 The preceding deposition was taken  
4 in the matter, on the date and at the time and  
5 place set out on the title page hereof.

6

7 It was requested that the deposition  
8 be taken by the reporter and that same be  
9 reduced to typewritten form.

10

11 It was agreed by and between counsel  
12 and the parties that the deponent will read and  
13 sign the transcript of said deposition.

14

15 Said jurat is to be returned within  
16 30 days following receipt of the transcript to  
17 the following address:

18

19 Elizabeth Gallo Court Reporting, LLC  
20 2900 Chamblee Tucker Road  
21 Building 13, First Floor  
22 Atlanta, Georgia 30341

23

24

25

1 NAME OF CASE: John Ruch vs City of Atlanta, et al.

DATE OF DEPOSITION: 04/12/2018

2 NAME OF WITNESS: John Ruch

3 EGCR Job No.: 46694

4 CERTIFICATE

5 Before me this day personally  
appeared JOHN RUCH, who, being duly  
6 sworn, states that the foregoing transcript of  
his/her deposition, taken in the matter, on  
7 the date and at the time and place set out on  
the title page hereof, constitutes a true and  
8 accurate transcript of said deposition.

9

10 \_\_\_\_\_  
JOHN RUCH

11 SUBSCRIBED and SWORN to before me  
12 this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.  
13 in the jurisdiction aforesaid.

14

15 \_\_\_\_\_  
My Commission Expires Notary Public

16 STATE OF \_\_\_\_\_

17 COUNTY/CITY OF \_\_\_\_\_

18

19 ☐ No changes made to the Errata Sheet;  
20 therefore, I am returning only this signed,  
21 notarized certificate.

22 ☐ I am returning this signed,  
23 notarized certificate and Errata Sheet with  
24 changes noted.

25

April 12, 2018

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1

Errata Sheet

2

NAME OF CASE: John Ruch vs City of Atlanta, et al.

3

DATE OF DEPOSITION: 04/12/2018

4

NAME OF WITNESS: John Ruch

5

Reason Codes: 1. To clarify the record

6

2. To correct transcription errors

7

3. Other

8

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SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

25

John Ruch

April 12, 2018

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1 Errata Sheet

2 NAME OF CASE: John Ruch vs City of Atlanta, et al.

3 DATE OF DEPOSITION: 04/12/2018

4 NAME OF WITNESS: John Ruch

5 Reason Codes: 1. To clarify the record

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24 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

25 John Ruch

<hr/> <p style="text-align: center;"><b>Exhibits</b></p> <hr/>	<p><b>10:47</b> 92:25</p> <p><b>10:48</b> 95:4</p> <p><b>10:51</b> 97:10 98:1,12,22</p> <p><b>10:52</b> 99:11 100:12,16</p> <p><b>10:56</b> 101:8</p> <p><b>11</b> 43:9</p> <p><b>11:02</b> 103:4</p> <p><b>11:04</b> 104:14 105:6,17</p> <p><b>15</b> 128:25 129:1,5,10</p>	<p><b>2:25</b> 208:24</p>	<p><b>519</b> 100:22,24 101:2</p>
<p><b>Exhibit 01</b> 3:11 12:15, 16,20,22,25</p> <p><b>Exhibit 02</b> 3:12 21:1,2, 8,10 22:13,17 194:10, 11</p> <p><b>Exhibit 03</b> 3:13 21:25 22:1,5,7,14</p> <p><b>Exhibit 04</b> 3:14 29:22, 23 30:1,3,6</p> <p><b>Exhibit 05</b> 3:15 48:9, 12,20 116:25 117:16 118:16 119:5</p> <p><b>Exhibit 06</b> 3:16 67:15, 16,25 68:3 105:23,25 114:5,14 128:6</p> <p><b>Exhibit 07</b> 3:17 110:4, 5,13,16,18 111:12,14 112:7 113:15,18</p> <p><b>Exhibit 08</b> 3:18 150:2,3</p> <p><b>Exhibit 09</b> 3:19 193:15, 16,25 194:13 196:16</p> <p><b>Exhibit Binder</b> 3:9</p>	<hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2</b> 118:16 119:5 194:10, 11</p> <p><b>20</b> 129:1,5,10</p> <p><b>2014</b> 41:3,22 42:2,12,25 43:24 44:6 47:2,6 50:2 57:25 64:9 67:14 68:4, 15 71:20 79:14 86:15 89:4 92:4 95:5 97:11 99:11 100:16 101:9 103:5 104:14 106:7 107:12 109:17 110:20 112:9,22 113:8 117:7 129:12 159:7 160:6 172:3 177:8,13 178:3 180:6,10 184:16 186:13 190:5 194:20</p> <p><b>24</b> 194:16</p> <p><b>25</b> 41:15 172:3</p> <p><b>25th</b> 41:3,22 42:2,12,24 43:24 44:6 47:2,6 50:2 57:25 64:9 67:14 68:4, 15 71:20 79:14 86:15 89:4 92:4 95:5 97:11 99:11 100:16 101:9 103:5 104:14 109:17 110:20 112:9,22 113:7 117:7 159:7 160:6 177:7,13 178:3 180:5, 10 181:12 184:16 186:13 190:5</p> <p><b>26</b> 107:12 129:12 194:20</p> <p><b>26th</b> 106:7 113:8 177:7 180:5</p>	<hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>30</b> 73:13 133:10 155:9 162:22 163:1</p> <p><b>30(e)</b> 208:18</p> <p><b>3:33</b> 201:1</p> <p><b>3:41</b> 201:5</p> <p><b>3:50</b> 205:1</p> <p><b>3:55</b> 203:8 204:9 205:22</p> <p><b>3:57</b> 201:18,24 202:1</p> <p><b>3:59</b> 203:10,24 204:6 205:4</p>	<p><b>520</b> 102:21,23</p> <p><b>521</b> 104:7 114:14</p> <p><b>522</b> 128:7</p> <p><b>523</b> 113:16</p> <p><b>551</b> 113:16</p> <p><b>552</b> 195:1,20</p> <p><b>5:16</b> 106:7 107:11 129:12</p>
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